

March 24, 2020

Seward County Board of Commissioners

State of Nebraska)
County of Seward) ss.

A regular meeting of the Seward County Board of Commissioners was convened in open and public session at 9:00 a.m. on March 24, 2020 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board and on the Commissioner's Room door. The agenda for all meetings is kept continually current and is available for public inspection at the County Clerk's Office during normal business hours. The agenda is held open until one business day prior to the meeting for appearance before the Board. The Board of Commissioners has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Commissioners convened on March 24, 2020 at 9:00 a.m.

Present: Chairperson: John Culver
Members: Bob Vrbka, Ken Schmieding, Becky Paulsen,
County Clerk: Sherry Schweitzer
Absent: Member: Mike Mundhenke

The Chairperson noted that the public meeting information is posted as required by law and available for public distribution if requested.

The Pledge of Allegiance was recited.

Moved by Paulsen and seconded by Schmieding to approve the minutes of March 17, 2020.

Affirmative Vote: Paulsen, Schmieding, Vrbka, Culver Motion Carried

Commissioners Reports:

Commissioner Vrbka reported all the meetings he was to attend were cancelled.

Commissioner Culver reported his meetings were also cancelled. He reported he dealt with various correspondences.

Commissioner Schmieding reported all the meetings he was to attend were cancelled.

Commissioner Paulsen has been working with Dept. heads about the current situation and making sure employees feel safe.

Moved by Vrbka and seconded by Paulsen to reaffirm the signing of the Disaster Declaration for Public Health Emergency.

Affirmative Vote: Vrbka, Paulsen, Schmieding, Culver Motion Carried

Moved by Vrbka and seconded by Schmieding to affirm the decision made on March 18, 2020 to suspend public access to Seward County Offices.

Affirmative Vote: Vrbka, Schmieding, Paulsen, Culver Motion Carried

The Commissioners discussed the coronavirus and how it is affecting Seward County. Chairman Culver stated he is participating with conference calls on the issue. The Building & Grounds Supt. said he is not worried about supplies at this time. At the present time, he stated he has not heard about a total lockdown for Nebraska.

Treasurer Bob Dahms spoke about working from home. He stated it is not possible for his staff to work from home. He is asking if there would be administrative leave granted for those employees who need to stay home because their child care is not open. Barb Armstead, Deputy County Clerk, said that federal law may change that allows up to 80 hours of paid administrative. Dahms asked what would happen if this situation lasts for months. Culver stated that it is something that would need to be looked at. Sherry Leising, Deputy Treasurer, asked about those employees who need to stay home because they have to help with their school age children. Brea Ehmen, HR Director, commented that FMLA has been expanded. She has learned that a Federal change would allow 80 hours of administrative leave for a full-time employee. She stated the county policy would need to be changed to allow leave when the child is not sick. The Commissioners would need to change the policy. Maria Hatfield wondered if there is anything for *essential* employees. She requested that the County make some sort of benefit for those employees. Dahms asked for clarification on what to do before April 2, 2020. Culver said employees will be kept up on changes as they seem to be happening every day.

Commissioner Paulsen removed herself from the Board at 9:49 a.m.

Clerk Schweitzer stated that the 9:15 a.m. agenda item is for a Public Hearing for a new liquor license for JUNTO LLC. She stated that the date and time of the hearing was published, but after talking with the Zoning Administrator, JUNTO may need to conform to zoning requirements. Paulsen stated that JUNTO is allowed to sell wine within their conditional permit. She felt that being issued a draft brewery license was outside their permit.

Kevin Siebert of JUNTO participated via conference call and said they could produce beer on their own and it would just be a different way to have beer at their events. They usually get a Special Designated Liquor License for each event. He said JUNTO would do what is needed to be done as decided by Seward County Officials. Paulsen stated she felt this new license would need to go through the Planning & Zoning Commission. Commissioner Schmieding also felt that going through the Planning & Zoning Board would be best.

Due to the above discussion, the Public Hearing did not occur.

Commissioner Paulsen re-joined the Board at 10:04 a.m.

Moved by Schmieding and seconded by Paulsen to open the bids for Mowing of Abandoned Cemeteries.

Affirmative Vote: Schmieding, Paulsen, Vrbka, Culver
Carried

Motion

One bid was received from Express Lawn Care. The awarding of the bid will be on next week's agenda.

Ehmen was present for the discussion on personnel policy updates.

Moved by Paulsen and seconded by Vrbka to approve the revised Policy "Sick Leave" for the Seward County Personnel Policy.

Updated: 1/2020

LEAVE

Employee Benefits *Scope: Sick Leave Policy*

Sick Leave

A. How Earned and Accumulated

a) Each Full-Time and Regular Part-Time employee working 1560 hours or more per year shall be entitled to sick leave. At the completion of the employee's first

month, -Full- Time employees shall accrue full pay in the amount of eight hours per month, accruing no more than 96 hours per year, with Regular Part-Time employees earning sick leave on a pro-rated basis as to number of hours worked. Unused sick leave allowance may be accumulated up to a maximum of 680 hours.

An employee may be required to furnish a certificate from an attending physician for all consecutive days of sick leave beyond three days. In cases of serious disability or ailments when the situation so requires, leave may be advanced at the discretion of the Seward County Board of Commissioners.

b) An employee who is dismissed from their position for reasons beyond their control may, if rehired within 12 months, have available any unused sick leave existing at the time of their dismissal. When an employee is transferred within the County to another position, any unused sick leave, shall continue to be available for their use as necessary. An employee loses all accumulated sick leave benefits upon resignation and dismissal, or reduction in status below 30 hours. If an employee returns to a status of 30 or more hours within the 12 months immediately following resignation, dismissal, or status change to part-time, the sick leave which was surrendered will be awarded back to an employee's sick bank.

c) An employee who retires from the County at age 55 years or older as may be specified by the age that the County employees are eligible for retirement contribution benefits, or dies while still employed by Seward County, will be entitled to receive pay for one-fourth (1/4) of all hours accrued in unused sick leave up to a maximum of one hundred seventy (170) hours.

B. How It Can Be Used

An employee eligible for sick leave with pay shall be granted such earned sick leave for the following reasons:

- a) Personal illness or physical incapacity resulting from medical conditions beyond the employee's control.
- b) The illness of a member of the employee's immediate family that requires the employee's personal care and attention.
- c) An enforced quarantine of the employee in accordance with community health regulations.
- d) Sick leave may be granted by the Department Head if a doctor or other healthcare appointment must be scheduled on a work day. Leave taken for these appointments will be deducted from such sick leave benefits.

C. Sick Leave without Pay

An employee who needs sick leave for purposes enumerated above and who does not have any

accrued leave may be eligible for Leave of Absence without pay. *Please see Leave of Absence without Pay policy.*

D. Notification of Departments

The employee shall notify their Department Head of the sickness that will prevent their reporting for work in advance of the first normal duty hour.

Such notices will be given either directly through the employee, unless extenuating circumstances apply. Failure to make such a report may be grounds for discipline and/or considered absence without leave and without pay.

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Affirmative Vote: Paulsen, Vrbka, Schmieding, Culver

Motion Carried

Moved by Schmieding and seconded by Vrbka to approve the revised "Voluntary Leave of Absence" for the Seward County Personnel Policy.

**LEAVE OF ABSENCE WITHOUT PAY
REV. 3/2020**

A. An employee may be granted a leave of absence without pay if such leave will serve the interest of the County. Leave of Absence Without Pay may only be requested after all other accrued leave balances have been exhausted. Approved Leave of Absence Without Pay may be consecutive or occur intermittently.

B. Eligibility of Leave Without Pay Per Forwarding 12-month Period

Employment Period and Qualifications	Maximum Annual Leave: Part-Time Employee	Maximum Annual Leave: Full-Time Employee
Less than 1 year of employment	24 hours	40 hours
Less than 1 year of employment with a serious medical condition for self or family member as defined by FMLA	240 hours	240 hours
More than 1 year of employment and does not qualify for FMLA and/or has NOT already exhausted FMLA leave	144 hours	160 hours
More than 1 year of employment and FMLA exhausted	40 hours	40 hours

C. The maximum Leave of Absence Without Pay amounts as outlined in part B above, do not include leave pursuant to the American with Disabilities Act (ADA) accommodations or as otherwise provided by law.

D. If the request for Leave of Absence Without Pay is due to personal illness or physical incapacity resulting from medical conditions beyond the employee's control or for the illness of a member of the employee's immediate family that requires the employee's personal care and attention, Seward County may require the employee to provide proof of the need for leave from the employee's or immediate family member's health care provider. At the time of return to work, an employee is required to provide an eligibility to return to work form if the leave was for the employee's own medical condition.

E. An employee who has been granted a Leave of Absence Without Pay shall not be granted any advancement or promotion in relation to the position from which he/she is on leave. The employee shall be entitled to and shall retain all benefits accrued up to the effective date of such leave. The employee shall not accrue vacation, sick leave, holiday pay, or other benefits during the period of time he/she is on Leave of Absence Without Pay. The employee shall also be responsible for payment of total premiums (both County and employee shares) for continued health insurance coverage during the period of leave of absence. Please see below for example and formula. Upon expiration of the Leave of Absence Without Pay and return to work by the employee, their wage shall reflect all general cost of living adjustments made during the leave, if any.

F. Requests for Leave of Absence Without Pay shall be in writing to include a complete justification for the leave and providing a 30-day notice if the need is foreseeable. The Department Head and Human Resources must approve such requests on a case-by-case basis, taking into consideration the purpose, length of the time, and the effect on the Department. All leave requests or extensions will be considered on a case-by-case basis. Decisions must be communicated in writing to the employee.

Leave Without Pay: Leave Banks During Intermittent Leave of Absence Without Pay

There are situations in which an employee may be on Leave of Absence Without Pay on an intermittent basis and the sick, vacation, holiday, etc. leave will need to be adjusted. Seward County will prorate the amount of sick, vacation, holiday, and other days off provided to other employees similarly situated, during the period in which an employee is on intermittent leave without pay. The leave will not be considered "earned" until the month following when the employee goes on a leave of absence. Seward County will "look back" at the previous month and determine the number of hours worked. Seward County will then prorate the amount of sick, vacation, holiday, etc., based on the hours worked in the prior month and add it to the leave bank on the 1st day of the following month.

Example A:

Employee is normally scheduled to work 40 hours per week. In April, Employee A worked:

Week 1:	30 hours
Week 2:	17 hours
Week 3:	40 hours
Week 4:	27 hours

In May, Seward County will "look back" and determine the prorated earnings of leave. The total amount that could be worked is 160 hours (40 x 4 weeks). The employee worked 114 of the 160 hours; or .71 of the month (114/160).

If the Employee normally earns 8 hours sick leave, then for the April sick leave earned is $.71 \times 8 \text{ hours} = 5.68 \text{ hours}$. If the Employee normally earns 9.33 hours of vacation, then the employee earns $.71 \times 9.33 = 6.62 \text{ vacation}$.

Example B:

Employee is normally scheduled to work 156 hours per month. In April, Employee A worked:

Week 1: 38 hours
Week 2: 40 hours
Week 3: 10 hours
Week 4: 17 hours

In May, Seward County will “look back” and determine the prorated earnings of leave. The total amount that could be worked is 156 hours. The employee worked 105 of the 156 hours; or .67 of the month (105/156).

If the Employee normally earns 8 hours sick leave, then for the April sick leave earned is $.67 \times 8 \text{ hours} = 5.36 \text{ hours}$. If the Employee normally earns 6.66 hours of vacation, then the employee earns $.67 \times 6.66 = 4.46 \text{ vacation}$.

Leave Without Pay; Employer Sponsored Health Insurance Benefits Coverage During Leave of Absence without pay (NON FMLA).

There are situations in which an employee who is already enrolled in the Employer Sponsored Health Insurance Plan is in on Leave of Absence Without Pay. The health insurance coverage may continue for a grace period even when the employee is not working 30 hours per week or more. *Please see the Health Plan Document for eligibility rules.* In such an event, the Employee will be responsible for a portion of the EMPLOYER SHARE of the premium in addition to the Employee’s own share.

1. Seward County will prorate the EMPLOYER share during this time period on a “look back” basis each month. See formula and example below.
2. For purposes of the formula below, all percentages are rounded to the nearest hundredth
3. The employee will be required to pay the percentage of the employer-sponsored benefits premiums as determined by the average weekly hours worked against an average 30-hour week.
4. The Employee will be responsible for payment of the EMPLOYER premium owed.
5. Payment shall be made to the Human Resources Department **within 5 business days** of notice of the amount due or coverage will be terminated.
6. **NOTE:** In the event that insurance is cancelled, please refer to COBRA rules.

The cost of the Employer share of benefits premiums to an employee will be pro-rated using the following formula:

of work days in a month x 6 hours a day = # of work hours needed to be eligible for benefits premiums paid by Seward County (“as is” employer portion paid).

The total hours actually worked by an employee during that month is subtracted from the # of work hours needed to be eligible for benefits premiums paid by the county (“short hours”).

The “short hours” are divided by the “as is” hours, which = % of payment required from employee for benefits premiums for that month.

Example:

Employee A already has health insurance but is on an approved Leave of Absence Without Pay (non-FMLA). Employee works the following during the 90-day insurance grace period.

<u>I.</u> <u>Hours Worked</u>	<u>II.</u> <u>Hours to be eligible for Health Insurance</u>
In May works 101 hours.	May 132 hours
In June works 95 hours.	June 132 hours
In July works 100 hours.	July 126 hours

Employee A would have to work the hours in column II in order to be eligible for the County to pay 100% of Employer share of premiums. Employee A never worked enough hours. Using the “look back” method, Seward County will determine that the amount owed for each month as follows:

Payment for May: $132 - 101 = 31$ hours short. $31/132 = .23$. Employee is responsible for 23% of the COUNTY’s share of health insurance

Payment for June: $132 - 95 = 37$ hours short. $37/132 = .28$. Employee is responsible for 28% of the COUNTY’s share of health insurance

Payment for July: $126 - 100 = 26$ hours short. $26/126 = .21$. Employee is responsible for 21% of the COUNTY’s share of health insurance

Board Chair Signature:

Date Approved:

Affirmative Vote: Schmieding, Vrbka, Paulsen, Culver

Motion Carried

Moved by Paulsen and seconded by Vrbka to approve the revised policy “Health Insurance” for the Seward County Personnel Policy.

HEALTH INSURANCE

All full-time and regular part-time employees working 30 hours or more per week are eligible for health insurance benefits under a group plan on the first day of the month following completion of thirty (30) days employment with the county. Eligible employees are given the option of participating in either single, family, single+1 plan coverage.

Specific benefits and plans are outlined in the Plan documents given to you at the time of your employment, open enrollment, or when you otherwise become eligible for Health Insurance. All eligible employees must complete health insurance paperwork by either electing or declining the offered benefit upon hire and annually thereafter during open enrollment. If an employee becomes eligible during the course of their employment, they must contact Human Resources to ensure appropriate paperwork is completed.

Additional copies of the health insurance plan are available at the Human Resources Office. For information regarding enrollment or cost, employees may contact Human Resources. Employee contributions are determined annually and are based on the costs incurred to offer and maintain the plan.

All benefit plans are subject to change from time to time as determined by the Seward County Board.

Board Chair Signature:

Approval Date:

Affirmative Vote: Paulsen, Vrbka, Schmieding, Culver

Motion Carried

Hatfield was in attendance with Ehmen in discussion of the Deputy Detention Director new starting wage. The current employee has resigned and at this time a new wage was analyzed.

Moved by Vrbka and seconded by Paulsen to approve the starting wage for the Deputy Detention Center Director at Grade 20 Step 3.

Affirmative Vote: Vrbka, Paulsen, Schmieding, Culver

Motion Carried

Known items on the agenda for Board of Commissioners on March 31, 2020 are as follows:

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of March 24, 2020
4. Discuss/Action – Claims for the period through March 20, 2020

Other Business Matters to Address When Time Allows

5. Discuss/Action - Public/Officials/Boards
6. Commissioners Reports
7. Discuss/Action – General Discussion on Coronavirus with Dept. Heads
8. Discuss/Action – Award bid for the Mowing of Abandoned Cemeteries
9. Discuss/Action – Assign Abandoned Cemeteries to Commissioners to inspect mowing
10. Discuss/Action – Agenda for April 7, 2020

10:00 a.m. Discuss/Action – Open bids for 2 Road Dept. Motor Graders

Moved by Vrbka and seconded by Schmieding to adjourn at 10:25 a.m.

Affirmative Vote: Vrbka, Schmieding, Paulsen, Culver Motion Carried

State of Nebraska)
County of Seward) ss.

I, Sherry Schweitzer, the undersigned County Clerk of Seward County, Nebraska do hereby certify the foregoing minutes are true and are part of the official records of this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 31st day of March 2020.

County Clerk

Chairman