

Carver County Board of Commissioners
April 7, 2020
Regular Session

Agenda Amendments

Add the following:

6. **COMMUNITIES: Create and maintain safe, healthy and livable communities**
 - 6.2 Request to Open License Center Drive-Through Windows for Vehicle Title and Registration

7. **CULTURE: Provide organizational culture fostering accountability to achieve goal and sustain trust/confidence in County government**
 - 7.4 Delegation of Authority for County Administrator to Implement Exclusions from Families First Coronavirus Response Act Paid Leave Provisions

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Request to Open License Center Drive-Through Windows for Vehicle Title and Registration

Primary Originating Division/Dept: Property & Financial Services

Meeting Date: 4/7/2020

Contact: David Frischmon

Title:

Item Type:

Regular Session

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: Yes No

Strategic Initiative:

Finances: Improve the County's financial health and economic profile

BACKGROUND/JUSTIFICATION:

The U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) recently updated its "Guidance on the Essential Critical Infrastructure Workforce" to include "Department of Motor Vehicle employees." The MN Department of Public Safety's Driver and Vehicle Services Division has determined this updated advisory includes the state's deputy registrars.

On April 3, deputy registrars were notified that we may offer motor vehicle title and registration services in accordance with Governor Walz's "Stay at Home" order and CISA guidance by utilizing a drive through window beginning on April 6th. The County Board's suspension of walk-in/up services would continue as the License Center lobbies must remain closed to the public because deputy registrars still cannot process driver's licenses which require over the counter, face-to-face transactions.

The U.S. Department of Labor's Occupational Safety and Health Administration ("OSHA") provides "**Guidance on Preparing Workplaces for COVID-19**".

Worker risk of occupational exposure to SARS-CoV-2, the virus that causes COVID-19, during an outbreak may vary from very high to high, medium, or lower (caution) risk. The level of risk depends in part on the industry type, need for contact within 6 feet of people known to be, or suspected of being, infected with SARS-CoV-2, or requirement for repeated or extended contact with persons known to be, or suspected of being, infected with SARS-CoV-2. To help employers determine appropriate precautions, OSHA has divided job tasks into four risk exposure levels: very high, high, medium, and lower risk. The Occupational Risk Pyramid shows the four exposure risk levels in the shape of a pyramid to represent probable distribution of risk. Most American workers will likely fall in the lower exposure risk (caution) or medium exposure risk levels.

Lower Exposure Risk (Caution)

Lower exposure risk (caution) jobs are those that do not require contact with people known to be, or suspected of being, infected with SARS-CoV-2 nor frequent close contact with (i.e., within 6 feet of) the general public. Workers in this category have minimal occupational contact with the public and other coworkers:

License Center staff using a drive-through window to provide customer service fall in the lower exposure risk (caution).

Implement Workplace Controls

Occupational safety and health professionals use a framework called the "hierarchy of controls" to select ways of controlling workplace hazards. In other words, the best way to control a hazard is to systematically remove it from the workplace, rather than relying on workers to reduce their exposure. During a COVID-19 outbreak, when it may not be possible to eliminate the

hazard, the most effective protection measures are (listed from most effective to least effective): engineering controls, administrative controls, safe work practices (a type of administrative control), and PPE. There are advantages and disadvantages to each type of control measure when considering the ease of implementation, effectiveness, and cost. In most cases, a combination of control measures will be necessary to protect workers from exposure to SARS-CoV-2.

Engineering Controls

Engineering controls involve isolating employees from work related hazards. In workplaces where they are appropriate, these types of controls reduce exposure to hazards without relying on worker behavior and can be the most cost-effective solution to implement.

Engineering controls for SARS-CoV-2 that are recommended for Medium Exposure Risk include installing physical barriers like a Drive-through window.

License Center staff utilizing a drive-through window for customer service are considered a Low Exposure Risk and will be separated from customers by a physical barrier which OSHA recommends for employees with a Medium Exposure Risk.

Safe Work Practices

License Center staff will follow these safe work practices while using a drive-through window to provide customer service:

- *Employees will maintain a physical distance of six feet from each other at all times*
- *Employees will wash their hands before start of shift/breaks and at end of shift/breaks.*
- *Hand sanitizer and disinfectant wipes will be placed at drive-thru window for staff use between transactions*
- *Gloves will be placed at drive-thru window for staff to use at their discretion when handling paper and money*
- *Customers will be required to use their own pens to avoid contact of object between multiple people*
- *Completed transactions will be kept separately for (3 days) before placing in filing cabinet with previous records for retention*
- *Drive-thru workstation will be disinfected in the morning, mid-day and at the end of the work day by wiping down all equipment used and surfaces*

ACTION REQUESTED:

Motion to approve opening the Chan and Chaska License Center drive-through windows on Wednesday April 8th to provide essential customer services while following established safe practices.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FUNDING

County Dollars =

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Total

\$0.00

FTE IMPACT: None

Related Financial/FTE Comments:

Office use only:

RBA 2020- 6821

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Delegation of Authority for County Administrator to Implement Exclusions from Families First Coronavirus Response Act Paid Leave Provisions

Primary Originating Division/Dept: Employee Relations

Meeting Date: 4/7/2020

Contact: Kerie Anderka

Title: Employee Relations Division ...

Item Type:

Regular Session

Amount of Time Requested: 5 minutes

Presenter: Kerie Anderka

Title:

Attachments: Yes No

Strategic Initiative:

Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

BACKGROUND/JUSTIFICATION:

On March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act (FFCRA), which creates two new emergency paid leave requirements in response to the COVID-19 pandemic. These temporary provisions are effective April 1, 2020 through December 31, 2020, unless extended. Local government employers, including Carver County, are subject to the FFCRA.

Under the FFCRA, the Emergency Paid Sick Leave Act (EPSLA) entitles employees to take up to two weeks (up to 80 hours for full-time employees) of paid sick leave. The employer's obligations under this provision are capped at \$511 per day (\$5,110 aggregate) where leave is taken for reasons 1, 2, and 3 below and at \$200 per day (\$2,000 aggregate) where leave is taken for reasons 4, 5, and 6.

Employees may qualify to take Emergency Paid Sick Leave due to the following reasons:

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 related to COVID-19;
3. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. The employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. The employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. The employee is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

The second major employee benefit provision under the FFCRA is the Emergency Family and Medical Leave Expansion Act (EFMLEA), which amends Title I of the Family and Medical Leave Act, 29 U.S.C. 2601 et seq. (FMLA), and permits eligible employees who have been employed at least 30 days, to take up to twelve weeks of expanded family and medical leave, up to ten of which are paid, when an employee is unable to work or telework due to the need to care for a son or daughter because the child's school or place of care has been closed, or the child care provider of such son or daughter is unavailable due to the public health emergency. The first ten days of EFMLEA leave may be in the form of Emergency Paid Sick Leave, regular accrued leaves, or may be unpaid. After ten days of leave, the employer must provide paid leave at two-thirds the employee's regular rate of pay. Required EFMLEA pay is limited at no more than \$200 per day and \$10,000 aggregate.

The EFMLEA and the EPSLA both provide that an employer may exclude employees who are health care providers or emergency responders from leave provisions under the Acts. To minimize the spread of COVID-19, employers are encouraged to be judicious when determining to exempt health care providers and emergency responders from the provisions of the FFCRA. However, the act recognizes the critical nature of maintaining effective staffing in these positions which are critical for the health and safety of the entire community during this emergency situation.

In accordance with provisions of the FFCRA, Carver County reserves the right to exclude classifications and/or positions that are emergency responders and/or health care providers at any point in the future at its sole discretion. It is recommended that the County Board of Commissioners delegate authority to the County Administrator or his designee to determine and define which, if any, County classifications or positions shall be excluded from the EPSLA and/or from the EFMLEA provisions and to define the effective date(s) of such exclusions.

ACTION REQUESTED:

The Board affirms that in accordance with provisions of the FFCRA, Carver County reserves the right to exclude classifications and/or positions that are emergency responders and/or health care providers at any point in the future at its sole discretion. Motion to delegate authority to the County Administrator or his designee to determine and define which, if any, County classifications or positions shall be excluded from the EPSLA and/or from the EFMLEA provisions and to define the effective date(s) of such exclusions.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FUNDING

County Dollars =

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Total

\$0.00

FTE IMPACT: None

Related Financial/FTE Comments:

Office use only:

RBA 2020 - 6820