

**REGULAR SESSION APRIL 1, 2020**

This day the Board of Morrow County Commissioners met in their office at 80 North Walnut St., Ste. A, Mt. Gilead, Ohio with the following members present: Mr. Davis and Mr. Whiston

Via phone: Mr. Castle

Public in attendance: John Harsch (EMA), Mike Goff (Treasurer), Alberta Stojkovic (Sentinel), Brent Russell (Planning/Zoning) and Andy Ware (Development).

The meeting was opened with prayer and pledge of allegiance to the flag, and then called to order by Mr. Davis, who then proceeded with the business at hand. The following matters came before the Board for their consideration and approval.

**IN THE MATTER OF  
APPROVAL OF THE MINUTES  
OF REGULAR SESSION OF MARCH 30, 2020: 20-R-276**

Mr. Whiston made a motion to approve the minutes of regular session of March 30, 2020, as recorded in the Commissioners Journal # 48.

Mr. Davis duly seconded this motion

Roll Call Vote: ...,Mr. Whiston..., “yea”...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF  
APPROVAL OF BILLS FOR PAYMENT: 20-R-277**

Mr. Whiston made a motion to approve payment of bills numbered 1 through 33 submitted by the Morrow County Auditor’s office.

Mr. Davis duly seconded this motion

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF  
PAY-INS: 20-R-278**

The following pay-ins were made to Patricia K. Davies, Morrow County Auditor:

- Pay-in #200980 Payment received from Chesterville customers for sewer fund 5159 \$75.00
- Pay-in #200987 Payment from Morrow County Services for Older Citizens for insurance premium for April 2020 7222-7777-740100 \$1,581.37
- Pay-in #200991 Payment received from Chesterville customers for sewer fund 5159 \$2,581.78
- Pay-in #200992 Payment received from Ketterman customers for sewer fund 5121 \$111.68
- Pay-in #200993 Payment received from SoMoCo customers for sewer fund 5110 \$4,883.34
- Pay-in #200995 Payment received from Johnsville customers for sewer fund 5100 \$940.00

**IN THE MATTER OF  
RESOLUTION REQUESTING CERTIFICATION BY THE COUNTY AUDITOR FOR A 2.5  
MILL TAX LEVY AS REQUESTED BY THE BOARD OF MORROW COUNTY HOSPITAL  
TRUSTEES: 20-R-TABLED UNTIL MAY 11, 2020, MOTION BY MR. WHISTON, SECONDED BY MR.  
DAVIS.**

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF  
APPROVAL TO REAPPOINT BENJAMIN LOVELL, FIRE/SAFETY REPRESENTATIVE TO  
THE MORROW COUNTY REGIONAL PLANNING COMMISSION: 20-R-279**

**WHEREAS**, Benjamin Lovell’s term on the Morrow County Regional Planning Commission expired on March 25, 2020; and

**WHEREAS**, Mr. Lovell has indicated that he would like to serve another term;

THEREFORE, Mr. Davis made a motion to approve the reappointment of Benjamin Lovell, Fire/Safety Representative to the Morrow County Regional Planning Commissioner for a term of March 26, 2020 – March 25, 2022.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF  
APPROVAL OF THE FINAL VERSION OF THE FAMILY AND MEDICAL LEAVE  
EXPANSION AND EMERGENCY SICK LEAVE POLICY FOR MORROW COUNTY JOB  
AND FAMILY SERVICES AND MORROW COUNTY PERSONNEL POLICY MANUALS  
EFFECTIVE APRIL 1, 2020 AND ENDING ON DECEMBER 31, 2020: 20-R-280**

WHEREAS, on March 25, 2020, the Morrow County Commissioners approved this document to be drafted by Clemans Nelson; and

WHEREAS, a final version was received and is shown below:

**FAMILIES FIRST CORONAVIRUS RESPONSE ACT POLICY SECTION X.XX**

**FAMILY AND MEDICAL LEAVE EXPANSION  
AND  
EMERGENCY SICK LEAVE**

Effective April 1, 2020, and ending on December 31, 2020, employees will be entitled to the limited use, expanded leave in the following manner:

**I. Family and Medical Leave Expansion- “Public Health Emergency Leave”**

The Employer’s Family and Medical Leave Policy is hereby amended to include eligible employees who, because of a qualifying need related to a public health emergency, have need to avail themselves of “Public Health Emergency Leave,” as defined below.

Traditional Family and Medical Leave will remain available to all employees otherwise entitled to such leave, unpaid and under existing Employer policy, and its provisions are only changed herein insofar as the application of the new “Public Health Emergency Leave” benefit described herein.

- A. An eligible employee is entitled to take up to twelve (12) weeks of Family and Medical Leave, provided the employee has not utilized Family and Medical Leave prior to the need for Public Health Emergency Leave, and such leave is for a qualifying need related to the COVID-19/Coronavirus public health emergency. An employee becomes eligible for public health emergency leave after being employed for at least thirty (30) calendar days by the Employer.
- B. Public Health Emergency leave will only be for a qualifying need related to a public health emergency. The only qualifying need related to a public health emergency recognized by this policy is if an employee is unable to work (or telework) due to a need for leave to care for the son or daughter under eighteen (18) years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.
- C. Public Health Emergency Leave will consist of unpaid leave for the first ten (10) days a qualified employee takes public health emergency leave. An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for unpaid leave during the first ten (10) days of public health emergency leave.
- D. After the first ten (10) days of public health leave, the Employer shall provide paid leave for each day of public health emergency leave remaining of the employee’s overall FMLA entitlement that an employee takes after taking leave under such section for the ten (10) days.
  - 1. Full-time Employees. The amount of pay that an eligible full-time employee may receive, as provided in the previous paragraph, will be calculated based on an amount that is not less than two-thirds (2/3) of an employee’s regular rate of pay;

and the number of hours the employee would otherwise be normally scheduled to work.

2. Part-time Employees. The amount of pay that an eligible part-time employee or employee with varying schedules may receive will be calculated based upon an amount that is not less than two-thirds (2/3) of an employee's regular rate of pay and the number of hours the employee would otherwise be normally scheduled to work.

To the extent that the Employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken public health emergency leave or other leave, the Employer shall use the following in place of such number:

- a. If the employee worked over the past six (6) months, a number equal to the average number of hours that the employee was scheduled per day over the six (6) month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.
- b. If the employee did not work over the past six (6) months, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

3. Regardless of whether the employee is full-time, part-time, seasonal, or otherwise, in no event shall any pay in this policy for public health emergency leave exceed \$200 per day and \$10,000 in the aggregate.

E. In any case where an employee has the necessity for public health emergency leave and the need is foreseeable, an employee shall provide the Employer with such notice of leave as soon as is practicable. The Employer will provide a form for such request that the employee must fill and return to the Employer as soon as is practicable. A failure to provide practicable notice may result in the employee being absent without approved leave.

F. Special Rule for Health Care Providers and Emergency Responders.

The Employer has not elected, pursuant to the Family and Medical Leave Expansion Act to exclude health care providers and emergency responders from the application of the new public health emergency leave.

G. Under the Family and Medical Leave Expansion Act, the requirements that an Employer restore an employee who returns from FMLA leave to his or her position or an equivalent one do not apply to Employers with fewer than twenty-five (25) employees if certain conditions are met:

1. the employee takes public health emergency leave;
2. the employee's position no longer exists due to economic conditions or other changes in the Employer's operating conditions that affect employment and are caused by the COVID-19/Coronavirus emergency;
3. the Employer makes reasonable efforts to restore the employee to an equivalent position; **and**
4. if the Employer cannot restore the employee to an equivalent position, the Employer makes reasonable efforts to contact the employee if an equivalent position becomes available during the "contact period." The "contact period" is one year from either (a) the date public health emergency leave ends, or (b) the date that is 12 weeks after public health emergency leave starts, whichever is earlier.

## II. Definitions

A. "Child care provider" means a provider who receives compensation for providing child care services on a regular basis.

- B. "Eligible Employee" means an employee who has been employed for at least 30 calendar days by the Employer with respect to whom leave is requested.
- C. "Health Care Provider" and "Emergency Responder" includes, but is not limited to an employee engaged by the Employer to function as a Physician, Public Health Nurse, Registered Nurse, Licensed Practical Nurse, Sanitarian (including those in training), Health Agency staff and employees who has as his/her job duties the requirement to provide and/or directly support the provision of health care services for an Employer, Sworn Police Officer, Sheriff's Deputy, Township Constable, Firefighter, Firefighter/EMT, Firefighter/Paramedic, Dispatcher, Communications Officer, Corrections Officer, Jailer, ambulance service provider, or any employee who has as his/her job duties the requirement to provide and/or directly support the provision of law enforcement, public safety, emergency response services, rescue workers, and ambulance service providers, or any other classification of employee not designated above who is included in the term emergency responder through federal regulation. Additionally, pursuant to Public Law 116-127, emergency responder includes any other classifications or types employees performing duties that the Department of Labor Secretary deems appropriate to fit under this category through guidance or rules provided subsequent or concurrent to the adoption of this policy.
- D. "Employer" means any public sector agency or any private sector entity with fewer than five hundred employees.
- E. "Public Health Emergency" means an emergency with respect to COVID-19 declared by a Federal, State, or local authority.
- F. "Public Health Emergency Leave" means a particular type of Family and Medical Leave that is in part unpaid and paid that qualified employees may utilize in response to the COVID-19/Coronavirus pandemic.
- G. "Qualifying need related to a public health emergency" means that, for the purposes of the Family and Medical Leave Expansion Act, the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.
- H. "School" means an elementary school or secondary school as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

### **III. EMERGENCY PAID SICK LEAVE ACT LEAVE**

- A. The Employer's Sick Leave Policy is hereby amended to include Emergency Paid Sick Leave to eligible employees who are unable to work or telework, due to a need for leave because
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 due to concerns related to COVID-19.
  3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
  4. The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).
  5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
  6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

The Employer has not elected, pursuant to the Emergency Paid Sick Leave Act to exclude health care providers and emergency responders from the application of the new emergency paid sick leave.

- B. An employee shall be entitled to emergency paid sick leave for eighty (80) hours for full-time employees. For part-time employees, the employee will be entitled to a number of hours equal to the number of hours that such employee works, on average, over a two (2) week period. The paid sick leave under this policy shall be available for immediate use by the employee for the purposes described in this policy, regardless of how long the employee has been employed by an employer. Emergency paid sick leave under this policy will be in addition to any accrued sick leave already accrued by an employee, and the use of emergency paid sick leave will not be deducted from an employee's existing sick leave accrual.

- C. Emergency paid sick leave will be calculated pursuant to paragraph D below.

For full-time employees emergency paid sick leave will be calculated based upon the number of hours the employee would otherwise be normally scheduled to work at the employee's regular rate of pay.

For part-time employees paid leave will be calculated based upon the number of hours the employee would otherwise be normally scheduled to work at the employee's regular rate of pay. For part-time employees or employees with varying schedules, and to the extent that the Employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken public health emergency leave or other leave, the Employer shall use the following in place of such number:

1. If the employee worked during the past six (6) months, a number equal to the average number of hours that the employee was scheduled per day over the six (6) month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.
2. Also, if the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

- D. With respect to any emergency paid sick leave provided for any use described in III(A)(4),(5), or (6) referenced above in this policy, the employee's required compensation under this subparagraph shall be two-thirds (2/3) of the amount described in Section III (C and D) of this policy.

Regardless of the employee's full or part-time status, in no event shall such paid sick time exceed—

1. \$511 per day and \$5,110 in the aggregate for a use described in III(A)(1),(2), or (3) as referenced above regarding qualifying reasons for emergency sick leave; and
2. \$200 per day and \$2,000 in the aggregate for a use described in III(A)(4),(5), or (6) as referenced above regarding qualifying reasons for emergency sick leave.

- E. An employee may first use the paid sick leave provided under this policy for the purposes described in this policy, and the Employer will not require an employee to use other paid leave provided by the Employer before the employee uses the emergency paid sick leave under this policy for the purposes specified above.
- F. Paid sick leave provided to an employee under this policy shall cease beginning with the employee's next scheduled shift immediately following the termination of the need for paid sick leave under this policy.
- G. Any employee requesting such leave provided in this section shall provide notice to the Employer as soon as is practicable that the employee requires the need for leave. The Employer will provide a form for the employee to complete designating the request for leave, and the type of leave to be requested. A failure to provide practicable notice may result in the employee being absent without approved leave.

- H. The Employer will not require, as a condition of providing Emergency Paid Sick Leave under this policy, that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid sick leave.
- I. Paid sick leave under this section shall not carry over from one year to the next.
- J. After the first workday (or portion thereof) an employee receives paid sick leave under this Act, the Employer will require the employee to follow reasonable notice procedures in order to continue receiving such paid sick leave.
- K. The Employer shall post and keep posted, in conspicuous places on the premises of the Employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in this Act.

**IV. SUPPLEMENTING PUBLIC HEALTH EMERGENCY LEAVE AND EMERGENCY PAID SICK LEAVE**

For any leave that is being paid at two-thirds (2/3) of the employee’s regular rate of pay under the Families First Coronavirus Response Act and as outlined in this policy, the employee may supplement with other appropriate available leave (e.g., sick leave, vacation leave, personal days, compensatory time, etc.).

**THEREFORE**, Mr. Whiston made a motion to approve the final version of the Family and Medical Leave Expansion and Emergency Sick Leave as presented to be added to the Morrow County Job and Family Services and Morrow County Personnel Policy Manuals effective April 1, 2020.

Mr. Davis duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle., “abstain”

**IN THE MATTER OF APPROVAL TO FOREGO LATE FEES ON MORROW COUNTY SEWER DISTRICT AND WATER/SEWER, REVOLVING LOAN INVOICES DUE TO THE COVID-19 PANDEMIC: 20-R-281**

**WHEREAS**, the Morrow County Commissioners realize that residents within our Morrow County Sewer District and that have loans through our Development Office may be affected financially by the COVID-19 pandemic; and

**THEREFORE**, Mr. Davis made a motion to forego late fees being assessed on Morrow County Sewer District and Water/Sewer, Revolving Loan invoices through May 2020 due to the COVID-19 pandemic. At the end of May, the Morrow County Commissioners will reevaluate the situation and extend if needed.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle., “yea”

**IN THE MATTER OF APPROVAL TO RECESS SESSION: 20-R-282**

Mr. Davis made a motion to recess session at 9:44 a.m.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle., “yea”

**IN THE MATTER OF APPROVAL TO RETURN TO REGULAR SESSION: 20-R-283**

Mr. Davis made a motion to return to regular session at 3:02 p.m.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle., “abstain”

**IN THE MATTER OF  
APPROVAL OF ROAD USAGE AGREEMENT WITH OHIO POWER COMPANY (AKA  
AEP) FOR THE MORROW COUNTY ENGINEER: **TABLED****

**IN THE MATTER OF  
APPROVAL OF CONTRACT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF  
MORROW COUNTY, OHIO AND THE ADENA CORPORATION TO REPLACE CULVERT  
MRW-CR40-1.58: 20-R-284**

WHEREAS, ON March 11, 2020, the Morrow County Commissioners approved to award the contract for County Road 40 Culvert Replacement Project to Adena Corporation; and

WHEREAS, the following contract has been completed for approval:

**CONTRACT WITH COUNTY COMMISSIONERS FOR LABOR AND MATERIALS  
CULVERT REPLACEMENT  
MRW-CR40-1.58**

This contract made and entered into on the 1<sup>st</sup> day of April 2020 by and between the Board of County Commissioners of Morrow County, Ohio, and hereinafter designated as "County," and The Adena Corporation of 1310 West Fourth Street, Mansfield, Ohio 44906 hereinafter designated as "Contractor."

Witnesseth, that said Contractor, for and in consideration of the payment of the unit price bid, to be paid as hereinafter specified, hereby, agrees to furnish unto said County, all the materials and services to replace culvert MRW-CR40-1.58 as bid, in accordance with plans, drawings, specifications, and photo copy of your bid proposal hereto attached, which plans, drawings, specification and bid proposal are hereby incorporated herein and declared to be a part of this contract. County shall pay for said services and materials in an amount up to \$264,085.79 and not to exceed \$264,085.79 unless a change order and extra work contract is entered into all of which is consistent with the bid proposal terms and specifications.

This contract shall be subject to the terms and conditions of the Ohio Department of Transportation Project Agreement as if they had been written full.

Said Contractor further agrees to furnish said materials and to do the said work promptly, upon request of the County Engineer.

And said County, for and in consideration of the true and faithful performance of said work and furnishing of said materials as aforesaid, hereby agrees to pay unto said Contractor all sums due above and beyond funds provided by said Ohio Department of Transportation Project upon the certificate of County Engineer by requisition as follows. Forty-five (45) days after aforesaid materials and/or labor shall all have been furnished and said labor shall have been completed and accepted, and the County has been billed for such material and work.

This contract shall be in effect through June 30, 2020 or completion of the project.

The attention of the bidder to whom the contract has been awarded is directed to the special statutory provisions (RC 4115.03 et seq.) governing the prevailing rate of wages to be paid to laborers and mechanics employed on public improvements. The contract would contain a provision agreeing to the payment of such wages. Also see RE 153.59 and 153.60, prohibiting racial discrimination, etc., in employment under public contracts. Contractor to comply with Minority Business Enterprise requirements set forth in Section 164.07 of the Ohio Revised Code and Rule 154-1-32 of the Ohio Administrative Code. Contractor to comply with equal employment opportunity requirements of the Ohio Administrative Code Chapter 123, the Governor's Executive Order of 1972 and the Governor's Executive Order 84-9.

It is mutually agreed that no extra work, or materials shall be charged for unless ordered in writing by said County.

Performance Bond: 100% of bid required

Witness our hands on the dates set forth after the respective signatures below.

s/Tom E. Whiston

s/Warren E. Davis

s/Burgess W. Castle

s/Contractor, Adena Corporation

s/Charles S. Howland, Approved as Form

Auditor's Certification of Availability of Funds:

s/Auditor, Morrow County, Ohio

Mr. Whiston made a motion to approve the contract between the Morrow County Commissioners and Adena Corporation for culvert replacement MRW-CR 40-1.58.

Mr. Davis duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle..., "yea"

There being no further matters to bring before the board, a motion to adjourn was made by Mr. Davis and duly seconded by Mr. Whiston.

Roll Call Vote: ...,Mr. Whiston..., "yea"...,Mr. Davis..., "yea" .., Mr. Castle..., "yea"

We hereby certify the foregoing to be true and correct.

\_\_\_\_\_  
CHAIRMAN

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\_\_\_\_\_  
CLERK

\_\_\_\_\_

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ASSISTANT CLERK

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MORROW COUNTY COMMISSIONERS