



*Stronger Counties. Stronger Ohio.*

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Cheryl Subler, Executive Director

March 12, 2020

TO: ALL COUNTY COMMISSIONERS, COUNTY EXECUTIVES, COUNTY COUNCIL MEMBERS,  
COUNTY ADMINISTRATORS, AND COUNTY CLERKS

FROM: CHERYL SUBLER, EXECUTIVE DIRECTOR  
RACHEL MASSOUD, POLICY ANALYST

RE: COVID-19 UPDATES

CCAO has created a page on our website where we will post current information regarding COVID-19, including these memos and links included in them. Visit <https://ccao.org/resources/coronavirus-updates/> for updates. As a reminder, current information from the Ohio Department of Health can be found at [www.coronavirus.ohio.gov](http://www.coronavirus.ohio.gov).

### **County Feedback Requested**

As the state and counties continue to develop their COVID-19 response plans, we highly encourage counties to share with CCAO any challenges or barriers they are facing in crafting or executing their COVID-19 mitigation strategies. CCAO remains in communication with state policymakers about how the state and counties can partner together while facing this challenge. Your feedback is instrumental in formulating our recommendations. **Please send any challenges, barriers, questions, etc. your county is experiencing to Adam Schwiebert at [aschwiebert@ccao.org](mailto:aschwiebert@ccao.org).**

### **Gov. DeWine Press Conference**

Today, Gov. DeWine held another press conference regarding the novel coronavirus (COVID-19). Ohio has its fifth confirmed case, and 52 people are currently under investigation in Ohio. Key points from today's remarks include:

- All outside visitors will not be permitted in nursing homes and assisted living facilities.
- Dr. Amy Acton, Director of the Ohio Department of Health, will be issuing [an order](#) banning mass gatherings of 100 or more people in Ohio. There are several exceptions to the definition of a "mass gathering." The text of the order can be found [here](#).
- All public and private K-12 schools in Ohio will be closed beginning at the end of the day Monday, March 16<sup>th</sup> through Friday April 3<sup>rd</sup>. The state will review this closure after that time period.
- The governor is working with his cabinet agency directors to minimize the number of employees working in person.
- Dr. Acton is projecting that the peak for COVID-19 in Ohio will occur in late April to mid-May.

A video of the governor's March 12<sup>th</sup> press conference can be found [here](#). Press conferences can be viewed on [www.ohiochannel.org](http://www.ohiochannel.org).



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### **Attorney General Yost on Public Meetings Law**

A number of commissioners have inquired about flexibility regarding Open Meetings Law in the wake of the COVID-19 outbreak. Attorney General Dave Yost hosted a Facebook Live event today discussing several issues, including Open Meetings Law during emergency situations. You can access Yost's recorded event here: <https://www.facebook.com/OhioAttorneyGeneral/videos/300091354287550/>. The Attorney General stressed that local governments should consult with their legal counsel regarding Open Meetings Law interpretation for any flexibility that may exist that would benefit the general public in times of declared emergency. This may include hosting public meetings via video or teleconference as opposed to mass public attendance.

CCAO will share any further information from AG Yost's office on this topic as it becomes available. CCAO also continues to discuss this issue with state policymakers.

### **Secretary of State LaRose on the March 17<sup>th</sup> election**

Secretary of State Frank LaRose sent a letter regarding the March 17<sup>th</sup> primary election which you can read [here](#). Current information regarding Ohio's election as it relates to COVID-19 can be found at <https://www.ohiosos.gov/coronafacts/>.

### **CORSA COVID-19 Risk Control Service Bulletin**

A CORSA Risk Control Service Bulletin is below regarding COVID-19. Please read this update as it includes information about how counties can plan for COVID-19 as employers.

### **CEBCO COVID-19 Update**

A CEBCO Program Alert is below regarding COVID-19. Please read this update as it includes information about CEBCO coverage and operations. CEBCO will waive member cost share for testing and treatment of COVID-19 for CEBCO Member Counties.

### **Other Resources**

[CDC's "Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission"](#)

If you have questions regarding this memo or best practice suggestions relating to COVID-19, please contact Rachel Massoud, policy analyst, at 614-220-7996 or [rmassoud@ccao.org](mailto:rmassoud@ccao.org).



## County Risk Sharing Authority

*a service program of the County Commissioners Association of Ohio*

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## RISK CONTROL SERVICE BULLETIN

### *CORONAVIRUS (COVID-19)*

On Tuesday, Governor DeWine declared a state of emergency for the entire State of Ohio due to COVID-19. Yesterday, Governor DeWine confirmed the fourth COVID-19 case in Ohio. Federal, state, and local governments, including CORSA member counties, are working extremely hard to administer operational continuity plans that preserve life and safety, limit service disruptions, and protect county assets.

Plans vary based on the unique individual needs of a jurisdiction as well as the specific functions of appointing authorities and agencies. While this is an unprecedented time, it is a time to act calmly with an appropriate sense of urgency and to make operational decisions based on facts and context.

CORSA as the property and casualty risk pool of choice for Ohio Counties respectfully suggests that member counties, appointing authorities, and agencies consider the following employment practice considerations as a part of their continuous administration of operational continuity plans the following:

1. Be very mindful of applicable federal and state laws, regulations, and collective bargaining agreements that govern the workplace. Obtain legal guidance prior to taking employment actions; and
2. Use CORSA Risk Management Services. Attached is an Employer Checklist that you may find helpful when faced with COVID-19 employment issues. Additional Risk Control policies and services can be found at: [www.CORSA.org](http://www.CORSA.org).

This Risk Control Bulletin & Employer Checklist is not medical or legal advice and it should not be construed as such. Again, we strongly recommend that employment actions should only be implemented based on local needs after consulting with legal counsel. Should you have questions regarding this Bulletin or CORSA Risk Management services please contact Frank Hatfield, CORSA Risk Control Manager, at (614) 560-1474 or [fhatfield@ccao.org](mailto:fhatfield@ccao.org)

March 12, 2020

## EMPLOYER CHECKLIST

- I. **Be Prepared and Develop a Plan.** Counties should develop a plan in order to ensure that they will continue to provide the necessary services to its citizens in the event of mass absences due to a pandemic. Counties should determine which employees are essential and non-essential in various agencies and offices. Essential employees should be advised of both their status and expectations during a pandemic. Additionally, Counties should revisit the best methods to advise the public and employees of any updates regarding the pandemic and level of services being provided.
- II. **Employees.** Actively encourage sick employees to stay home until they are free of fever or other symptoms. Employees should also be encouraged to stay home if they have a family member that is ill. During a pandemic, Counties should consider relaxing the requirement that a health provider's note be provided to validate an employee's illness, unless there is suspicion of sick leave abuse. Also, consider altering/implementing relevant policies in order to allow employees to work from remote locations.
- III. **Consider Applicable Leave Provisions.** There are many types of accrued leave and other leave benefit programs that a County employee may be eligible to use during and after a pandemic. Employers should review their leave policies and collective bargaining agreements with employees and supervisors to confirm awareness.
  - a. **Sick Leave.** Employees may use available sick leave for absence due to personal illness or the illness of the employee's immediate family member. Employees *may* also use sick leave for "exposure to contagious disease that could be communicated to other employees." Sick leave should be provided consistent with the relevant policy and/or collective bargaining agreement. As noted above, except in instances of suspected abuse, employers may wish to consider suspending the requirements to provide a note from a health provider.
  - b. **Discretionary Leave.** If an employee has no sick leave, the employer has the discretion to allow an employee to use other types of accrued leave in lieu of sick leave, such as vacation leave, personal leave and/or compensatory time-off. Again, if necessary, consider relaxing notice requirements in the policy or collective bargaining agreement. Unpaid leave may also be appropriate in the event that an employee lacks any accrued, but unused leave. If the County has a sick leave donation program/policy, sick leave donation may also be appropriate.
  - c. **Work-Required Leave.** In the event of a quarantine period, or because an employee has contracted (or is suspected of having contracted) COVID-19, the County may require the employee to not to report to work. However, the employee may be required

## EMPLOYER CHECKLIST

to be paid in that scenario. However, be advised that there may be FLSA implications for exempt employees.

- d. **FMLA Leave.** Employees may be eligible to use Family Medical Leave consistent with the FMLA. If the employee satisfies FMLA eligibility requirements, the employee would be entitled to FMLA protections for the related absence. Again, supervisors should be advised of the requirement to immediately designate the leave as FMLA-qualifying. While on Family Medical Leave, employees would be required to utilize paid leave concurrent with the use of FML pursuant to the County's policy or be placed in an unpaid status.

**IV. COVID-19 and the ADA.** For ADA purposes, employees who have contracted the virus must be treated the same as non-infected employees, so long as the infected employees can perform their essential job functions without being a direct threat to the health and safety of others. If the employee poses a health or safety threat to the workforce, the County may place the employee on leave and/or require a medical examination. During a recognized pandemic, employers have greater latitude to ask questions of an employee regarding symptoms, so long as the information is kept confidential.

- a. **Medical Examinations and Inquires.** The ADA protects employees with disabilities, but during a global health emergency, as recently declared by the World Health Organization (WHO), employees can be required to be medically examined to determine if they have contracted the disease when an employer has a reasonable belief that employees will pose a direct threat due to a medical condition. WHO has raised its risk assessment of the COVID-19 to its highest-level. Because COVID-19 poses a direct threat to employee health and safety, the presence of observable symptoms may provide objective evidence for a disability-related inquiry or medical examination.

**V. Practice Good Hygiene.** Reinforce key messages with employees regarding hygiene practices. Encourage employees to stay home when sick. Remind employees of the proper coughing and sneezing etiquette. Educate employees regarding the importance of handwashing. Frequently perform enhanced environmental cleaning of commonly touched surfaces, such as workstations, countertops, railings, door handles, and doorknobs. Remove candy dishes, community food and limit the sharing of pens and workplace equipment.

**VI. Social Distancing.** Consider social distancing where possible. Employers may consider using teleworking, alternative work locations, or alternative work schedules. Employers should also consider avoiding non-essential activities where employees might come into close contact with individuals who are ill.

**VII. Business Travel.** Consider whether employee business travel is necessary. All unnecessary travel should be cancelled or postponed during a pandemic. Use videoconferencing when possible.

## EMPLOYER CHECKLIST

- VIII. **Monitoring Absences.** Designate an individual within your human resources department to monitor employee absence and prepare for any reassignments of essential functions during employee absences. Cross-train personnel to perform essential functions, so that the workplace is able to operate even if key staff members are absent.
  
- IX. **Consult Counsel.** When in doubt regarding the appropriate employment action related to the pandemic, please consult legal counsel.



# PROGRAM ALERT

**Bulletin 2020-02**

**March 12, 2020**

## **CEBCO Updates Regarding COVID-19**

**Health Coverage.** Due to the nature of the COVID-19 public health emergency, CEBCO will waive member cost share for testing and treatment of COVID-19 for our Member Counties. This will include PPO and HSA plans (per IRS Notice 2020-15). We will work with Anthem to develop a strategy on how claims will be processed and we will communicate that at a later date.

With the potential overload to Ohio's Hospitals and Emergency Rooms, we strongly urge our members to consider the use of LiveHealth Online as a first-line resource. Using the LiveHealth Online app through a smartphone, tablet, or home computer, members will have 24/7 access to a board-certified doctor via a secure and private video chat. Prescriptions can be sent to the member's local pharmacy or referrals may be made for further treatment. For PPO plans, there is always a \$0 copay. For HSA plans there will be a \$59 charge applied at the time of the chat, as the IRS Notice 2020-15 does not apply to telemedicine services. We will continue to monitor the evolving guidance as it relates to COVID-19 and communicate when appropriate.

**CEBCO Annual Membership Meeting, April 3, 2020 will be cancelled.** We will replace this meeting with a webinar for the same date and time. We will release further information on this webinar at a future date.

**Interactive Health Screenings.** Will be postponed, effective Monday, March 16, 2020. Re-scheduling determinations will be at a later date. As a reminder, eligible members also have the option of having the blood work done by their physician or by LabCorp.

CEBCO PROGRAM ALERT 2020-02

**CEBCO County Visits.** Effective immediately, we will cancel non-essential visits and meetings. However, CEBCO Staff will be available via email or phone to help our counties and members.

We appreciate your patience. If there are any questions or concerns, please contact CEBCO Staff Members or Mike Kindell, [mkindell@ccao.org](mailto:mkindell@ccao.org), or (614) 220-0645.