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BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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SPECIAL MEETING

March 26, 2020

10:00 AM

Board of Pembina County Commissioners met in special session at 10:00 AM in the Commissioners Meeting Room of the Courthouse with the following members present: Laverne Doyle, in person and Hetty Walker, Hugh Ralston, and Nick Rutherford, by telephone. Absent: Jim Benjaminson. Also in attendance are Rebecca Flanders, Monica Brusseau, Samantha Johnson, Mikka Willits, Kay Braget, Marcus Ramsay, Dan Garvens, Kari Helgoe, Samantha Weeks, Revel Sapa, Devin Johnson and Kelly Cluchie. Available by telephone are Julie Hardy, LuAnn Kemp, Andrew Kirking and Tanya Wieler.

Chairman Ralston called the meeting to order. Chairman Ralston turned the meeting over to Rebecca Flanders, State's Attorney.

Ms. Flanders discussed the motion made at the March 20th special meeting allowing employees to work Monday – Thursday, with Friday being treated the same as an emergency storm day. Ms. Flanders informed the Commission that after reviewing the email from Sara Stolt, Chief Operating Officer of the North Dakota Department of Human Services, she contacted Ms. Stolt for clarification. All Human Service Zone employees are now under the guise of the State Merit System rather than the county, setting them apart from the county. The underlying consideration is that taxpayer dollars cannot be used to pay public employees when there is no work being performed. Ms. Flanders asked how this differed from a snow day. Ms. Stolt replied that a snow day is unexpected and the county would not have time to prepare. According to the Governor's mandate, under #3, all state agencies and offices are directed to accelerate the transition of non-essential staff members to a remote, in-home worksite. Ms. Flanders is asking what the county is doing to work towards working remotely, although not all employees would be able to work remotely due to their duties. The primary goal is the safety of all county employees. Other counties are allowing employees to take their desk top computers home so they can work remotely, as it would take time to order and receive laptops and program them to each departmental need. The county system is different from the State Merit System and the biggest issue is to figure out if the Commission has authority to go above and beyond what the State Merit System allows and what they choose to do.

Tanya Wieler, discussed options to either work four ten hour days or remain with five eight hour days. Tanya feels the county should weigh on the side of caution and follow the law that applies to the State employees. Tanya feels it would be wise to extend the hours to four ten hour days to ensure all employees work a 40 hour work week.

Julie Hardy, Public Health Director, commented on the six foot social distancing recommendation, which is difficult in a small office space. Julie suggested that each department review if they can achieve the six foot social distancing. If that cannot be achieved, Julie suggested all employees that remain at work self-monitor for symptoms.

County Public Health has the authority to do three things. They have the authority to establish rules, seek an ordinance from the County Commission, and get a Court order from a judge. The statement issued by the Pembina County Board of Health is not an ordinance and therefore is not punishable. Discussion followed on HIPPA violations.

Ms. Hardy discussed the meaning behind the statement issued by the Pembina County Board of Health. The statement is to have people self-isolate and request help from other individuals to assist with getting groceries and going to the pharmacy, but if it is not possible you are still able to complete these tasks yourself. The purpose is to have individuals remain isolated to the best of their ability. Ms. Flanders feels there should be some legal authority behind the statement and what the proper mechanism is to enforce the statement.

Tanya stated that this is a special meeting called to clarify the motion that was made at the March 20, 2020 meeting. Tanya feels the county is not in compliance with ND Century Code. Tanya suggested the Commission encourage department heads to determine how they plan on having all employees work a 40 hour work week if the Commission plans on continuing with the Friday closure. Commissioner Rutherford suggested the county do four ten hour days. Tanya feels that the Commission should be flexible and allow the department heads to determine what schedule would work best for their department. Chairman Ralston said the Commission wants to do whatever is best for the county employees.

Kay Braget asked for clarification if all county offices will be open on Friday, March 27th. Until a determination is made regarding the County Commission having authority to allow county offices to close, all county offices will remain on limited access on Friday, March 27th and all employees would have to work or take accrued leave to bring them to 40 work hours for the week.

Motion made by Nick Rutherford to have all employees work four ten hour days and have all county offices closed on Friday to minimize risk and exposure to employees. Marcus Ramsay asked what employees that have children in daycare

are to do when day cares are only open a limited amount of time. Motion died to lack of a second.

Motion made by Laverne Doyle to allow the department heads to determine scheduling a 40 hour work week for their employees, however they choose – 4 ten hour days, 5 eight hour days, allow employees to utilize accrued leave or work remotely, as long as all employees work a 40 hour work week. Seconded by Nick Rutherford. Tanya questioned if the limited access on Friday still remains in effect. Ms. Flanders stated that all county offices have been under limited access. Tanya was requesting clarification if the Commission wants a limited number of employees working on Friday. Samantha Weeks requested clarification on employees working remotely. Tanya stated that it would be the department heads responsibility to contact Samantha to determine what needs to be done to allow an employee in their department to work remotely. Roll call vote: Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Commissioner Doyle told all department heads to make sure their employees are told to stay home if they feel sick.

Tanya will prepare a Memo to send to all employees.

Mikka Willits requested clarification on employees utilizing accrued leave if they stay home because they are exhibiting symptoms. At the March 20, 2020 meeting the motion was passed to waive the use of accrued leave for 30 days for at risk employees, as defined by the North Dakota Department of Health, or symptomatic employees, effective March 23, 2020. Ms. Flanders stated this will need to be revisited to see if the Commission has authority to allow this.

Motion made by Hetty Walker and seconded by Laverne Doyle to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 11:19 AM.