

Bladen Community College
BOARD OF TRUSTEES EMERGENCY CALLED TELEPHONIC MEETING
Minutes of Monday, March 23, 2020

Members Present: Dennis Troy, chair

Members Present Via Conference Call: Frank Gemma, vice chair; Mary Andrews; Pam Benton; Ray Britt; Lillian Bryant; Brian D. Campbell; Bruce Dickerson; and Ricky Leinwand

Members Absent: Larry Hammond; Hayes Petteway; and Joseph Rozier

Others Present: Amanda Lee; David Gooden; Missi Hester, recorder.

Others Present Via Conference Call: Joy Grady; Gary Grady, Board Attorney; Alan Wooten, General Manager/Editor, *The Bladen Journal*; Charlotte Smith, Owner/Operator, Bladen Online; Lee Anne Bryan; Pauline Graham; Eugene Lockamy; and William Sellers

At 1:03 p.m., Chairman Dennis Troy called the meeting to order and asked if any trustee had a conflict or an appearance of conflict of interest. There were none.

Mr. Troy gave a prayer.

Ms. Hester called the roll. A quorum of the members was available.

Adoption of Agenda:

Mr. Troy presented the meeting agenda for Monday, March 23, 2020 for review and approval. He called for a motion to proceed with the meeting by stating in accordance with North Carolina General Statute 143-318.13 that the Bladen Community College Board of Trustees proceed with this emergency meeting called by its president, to be conducted telephonically, to discuss policy implementation necessary as a result of the COVID-19 event. Ms. Andrews made the motion to accept the meeting agenda as presented. The motion was seconded by Ms. Benton and carried unanimously by roll call.

New Business:

Dr. Amanda Lee proceeded by stating that two policies had been provided to the trustees for review. The first policy BCC Policy Number 1.06 – Communicable Disease and Illnesses Policy (ATTACHMENT 1) has previously been approved by the Board. Dr. Lee stated that procedural changes have been added to the policy because of the COVID-19 event. The changes are noted in blue in the BoardDocs copy provided to the trustees.

Dr. Lee presented the second policy for review and approval. BCC Policy Number 7.15 – Employee Work and State of Emergency Leave (ATTACHMENT 2) is a new policy that mirrors

a policy recently approved for other state employees that gives the president of the College the discretion to make decisions regarding the College while under a declared state of emergency by the Governor of North Carolina. Under this policy, employees are able to telework from home. The policy would also allow 96 hours of leave time for those employees that may be symptomatic, caring for someone who is symptomatic, or if they have to care for children who are out of school due to the COVID-19 event. Dr. Lee stated that she could proceed with more details of the policy if needed or asked. She asked that if adopted, that the policy be retroactive to March 16, 2020.

Mr. Ray Britt made the motion to approve BCC Policy Number 7.15 – Employee Work and State of Emergency Leave with a retroactive date of March 16, 2020. Ms. Benton seconded the motion and Mr. Troy asked if there were any questions. There were none. The motion passed unanimously by roll call.

At 1:15 p.m., Chairman Troy thanked the trustees for their service to the College. The meeting adjourned with a motion by Ms. Andrews and a second by Ms. Benton. Motion carried.

Dennis Troy, Chairman

Amanda Lee, Secretary

ATTACHMENT 1

COMMUNICABLE DISEASE & ILLNESSES POLICY

BCC POLICY NUMBER 1.06

SOURCE, REFERENCE: 1C SBCCC 200.94 (a)(5); G.S. 130A-2

POLICY:

Bladen Community College recognizes that employees with communicable diseases or illness may wish to continue their employment despite being infected and/or contagious, and does not discriminate against such employees. Bladen Community College also recognizes that it must satisfy its legal obligation to provide a safe and healthy work environment for all employees, customers, and other visitors to campus.

In determining an employee's ability to continue in employment while being infected with a communicable agent or its toxic products, Bladen Community College will consider making reasonable accommodations to the employee's condition, consistent with applicable federal, state, and local laws, while simultaneously protecting public health. In turn, the college expects individuals who have been exposed, have symptoms of, or contracted the diseases or illnesses identified in this policy to conduct themselves in a manner consistent with the protocols of the Center for Disease Control and the Bladen County Health Department (health agencies).

DEFINITION:

A "communicable disease" is an illness that results from an infectious agent or its toxic products that is directly or indirectly transmitted from either an infected person or animal through a medium, host, vector or inanimate environment. Communicable diseases or illnesses include, but are not limited to:

- influenza;
- tuberculosis (TB);
- conjunctivitis;
- infectious mononucleosis;
- acquired immunodeficiency syndrome (AIDS);
- Hepatitis A, B, C, and D;
- meningitis;
- methicillin-resistant *Staphylococcus aureus* (MRSA); and,
- Hemorrhagic Fevers (including Ebola).

Communicable diseases are generally categorized according to how they are transmitted, as follows:

Class A Communicable Diseases: Transmitted through casual contact

- Examples include influenza, TB, conjunctivitis, infectious mononucleosis, meningitis, and MRSA.

Class B Communicable Diseases: Transmitted through exposure to blood or bodily fluids

- Examples include AIDS, Hepatitis B or C, Hemorrhagic Fevers (including Ebola)

POLICY STATEMENT:

If an employee or student has been exposed to or becomes infected with a communicable disease, the person must first seek prompt medical diagnosis and advice, and implement the recommended treatment protocols in accordance with policies established by the appropriate health agencies. Immediately thereafter, those diagnosed with *Class A* communicable diseases are required to contact the human resources office, and notify their course instructors and/or campus employers. Employees and students with *Class B communicable diseases* are also required to follow the same procedure as those with *Class A diseases*; and, shall advise human resources of their medical status and treatment so that the college can respond appropriately.

The director of human resources can provide employees information about the illness(es) and about programs that are available to assist employees and their families. Further, Bladen Community College will take precaution to ensure that information about health conditions remains confidential, in accordance with FERPA (1974), the Americans with Disability Act, and HIPAA Privacy Rule. The college will not exclude employees or students from participation in or denied benefits of BCC's services, programs or educational activities or from employment unless, in the judgment of expert medical professionals, exclusion from work or class is necessary for health and safety reasons of the individual or members of the college community.

The director of human resources will also determine what written documentation of diagnosis and treatment may be required from the treating physician or health services agency. This will enable the college to explore the types of possible reasonable accommodations that may be recommended consistent with the business needs of the department or college, consistent with this policy, and applicable federal, state, and local laws. The college will also monitor the process of recovery of each recovering individual.

PROCEDURE:

The college will follow the guidance of the Governor, State Health Director and/or the Local Health Director in the event of the need for public health isolation, quarantine, and other communicable disease control measures.

Social Distancing:

Social distancing is designed to limit the spread of disease by reducing the opportunities for close contact between people. The following are examples that the college may use in an effort to manage a situation:

- Reducing face-to-face exposure by using conference calls and video conferencing
- Avoiding unnecessary travel

- Canceling meetings, workshops, training sessions, and scheduled events
- Requiring employees and students to work from home to reduce exposure at the college
- Establishing flexible working hours to avoid mass transportation, at least during peak hours
- Installing protective barriers between work stations or increasing space between workers
- Reinforcing hand washing and requiring the use of protective equipment as provided by the college such as hand sanitizers.
- Scheduling employees in shifts
- Controlling access to buildings
- Requiring asymptomatic individuals traveling to and from affected countries/areas not to return to work until one incubation period has passed after returning home.

College Operations:

The college may choose to practice social distancing by use of alternate worksites or teleworking and other methods to help the college reduce close contact between people. The college reserves the right to change normal hours and operations, employee job duties and responsibilities, and work areas to help facilitate the limiting of close contact between individuals for any time period of the emergency. The College administration will monitor communicable disease events and, after consultation with public health authorities, indicate the general operations of the college:

- **Phase I:** Classes are being held, offices are open for business. All employees are expected to report to work as usual. Social distancing practices may be employed as deemed appropriate.
- **Phase II:** Classes are offered in online format; offices may be open for business. Employees are expected to report to work, offered the ability to telework or a combination of both. Social distancing practices are expected to be used.
- **Phase III:** Classes are canceled; college is closed. No one reports to work at the college and work continues thru the telework practices if possible.
- **Phase IV:** If the situation lasts longer than 30 days and there is no ability to have employees work, an emergency furlough (unpaid leave) of employees may be instituted.

Leave:

The college will encourage employees with symptoms associated with a communicable disease to stay home so that they do not infect others and also recognize that employees with ill family members may need to stay home to care for them. The type of communicable disease emergency will dictate the type of leave annual, sick, bonus or combination of leave that will be used. If an employee has a compensatory leave balance that will be used first.

If the employee has been asked to leave the college or not report to work due to quarantine, the employee shall not be charged leave. The employee will be allowed to telework or be granted administrative leave.

If in Phase III or Phase IV employees are unable to work, the college will make every effort to grant paid administrative or emergency leave if at all possible. If not possible, the employee will be able to use annual, sick, bonus, compensatory time or a combination of leave. If an employee has a compensatory leave balance that will be used first. If the President grants

administrative leave in a communicable disease situation, it will be only for the specific emergency situation. The President will report the granting of leave to the Board of Trustees.

Employees who are on prearranged annual or sick leave will charge leave to the appropriate account until the end of the scheduled days off. Employees on leave without pay status will also remain on leave without pay status until the scheduled time ends.

Advisory Note: Should an employee not have sufficient sick leave available, the College may work with the employee to advance a reasonable amount of leave or make arrangements for the employee to make up the time within 24 months.

When the College is open but an employee who is a parent (or guardian) is required to stay home with a child (as defined in the FMLA) because of the closure of a day care facility or a public or private school, the employee may, with approval of the President, be allowed to work at home or elect to:

- use vacation leave
- use bonus leave
- use sick leave
- use compensatory leave
- take leave without pay
- take paid leave to be made up within 24 months. If the time is not made up within 24 months, appropriate leave will be deducted or the appropriate amount of pay shall be deducted from the employee's paycheck.

These provisions also apply for eldercare. The College has the right to request appropriate documentation to substantiate need.

Review of Procedure:

In the event this procedure is triggered, the President must review the compensation and leave provisions every 30 calendar days and, as appropriate, take any of the following steps:

- Renew the compensation and leave provisions for another 30 calendar days.
- Revise the compensation and leave provisions for up to another 30 calendar days.
- Terminate the compensation and leave provisions if the public health emergency has ended.

Any changes in the compensation and leave provisions must be communicated to employees in a timely manner. Pending a renewal or revision, the employee may be allowed to take leave (compensatory, sick, vacation, bonus) until a decision is made.

Emergency Furlough:

The College President, in consultation with the North Carolina Community College Systems Office, may declare an emergency furlough if the college remains totally closed or partially closed for an extended period of time. A furlough is a temporary layoff from which employees are expected to be recalled.

Employees who are on an emergency furlough:

- Continue participation in State Health Plan. The college shall continue paying the employer contribution on behalf of the employee. The college will pay both the employee and employer contribution for the month following the initiation of the furlough, with the provision that the employee shall repay the State for any contribution made on his or her behalf unless otherwise directed by the State.
- Continue to accrue vacation and sick leave, as applicable (however, employees will not be allowed to use the leave during the furlough period).
- Continue to accrue Total State Service.

An employee may be eligible for unemployment benefits through the Department of North Carolina Employment Security while on emergency furlough. Employees should contact the North Carolina Employment Security Commission for further details. If, at the end of the emergency furlough period, it is determined that the College no longer requires the services of these employees, normal College layoff provisions would apply.

Delegation of Authority:

During the period of the State of Emergency declared by the Governor, the Board of Trustees hereby delegate full authority to the President or his/her designee to take all actions to implement any and all paid and unpaid leave options available from any federal, state, or local source to keep employees in pay status and/or covered by employment benefits, such as health insurance. This authority includes extending the amount of State of Emergency leave made available to employees under this policy and extending the period in which this policy is effective, to the extent funding allows.

The Board of Trustees may repeal this policy at any time.

Approved by the Board of Trustees – 07/01/2007

Revised and Approved by the Board of Trustees - 11/28/2017, effective 01/01/2018

ATTACHMENT 2

EMPLOYEE WORK AND STATE OF EMERGENCY LEAVE

BCC POLICY NUMBER 7.15

POLICY:

The following is a State of Emergency Leave provision authorized by the Board of Trustees in response to the COVID-19 event. It is available for use at the discretion of the President subject to the availability of funding. This State of Emergency Leave policy is effective March 16 – March 31, 2020, and may be extended by the President.

PROCEDURES:

Employee Designations and Work Assignments

1. Mandatory Employees – Employees who are directed by their supervisor to report to work at a designated worksite other than their personal residence at specific dates and times.
2. “High Risk” Employees – Employees over 65 years of age; have underlying health conditions; or a weakened immune system. Employees providing care to someone at high risk are also considered high risk employees. High risk employees are allowed to telework or apply the provisions of this policy.
3. Non-Mandatory Employees – Employees who have not been directed by their supervisor to report to work onsite at any particular date and time. Non-mandatory employees will continue to be assigned work and will be expected to telework if feasible given the nature of their position's duties.
4. These designations may be changed at any time due to the operational needs of the College and COVID-19 developments.

B. Paid State of Emergency Leave

Consistent with usual work schedules, up to 96 hours of paid State of Emergency Leave may be granted during the period of March 16-31, 2020, and no balance is carried over, for the following:

1. Mandatory or non-mandatory employees (including temporary and regular employees) who cannot work because they have childcare or eldercare needs due to COVID-19-related facility closings may receive paid State of Emergency Leave up to the maximum hours allowed.
2. Non-mandatory employees (including temporary and regular employees) who are unable to telework who have not been authorized by their supervisor to continue to report to work will receive paid State of Emergency Leave up to the maximum hours allowed if they cannot telework because their position duties cannot be performed remotely and reasonable alternate remote work is not feasible or productive.
3. For part-time employees with irregular schedules, paid State of Emergency Leave should be based upon the employee's average hours per week over the course of the previous month. In no case will paid State of Emergency Leave exceed 38.5 hours per week.
4. Any mandatory or non-mandatory employees (including temporary and permanent employees) who are sick due to symptoms consistent with COVID-19 or who are caring for a dependent with such symptoms will receive State of Emergency Leave up to the maximum hours allowed. All other medically related absences will utilize regular forms of leave such as sick, vacation, and bonus leave, or shared leave if previously approved.
5. Non-mandatory employees who were on other pre-approved leave, choose not to work, or are unavailable for reasons other than provided for in this State of Emergency Leave provision must use available and applicable leave types, such as vacation/annual leave, paid parental leave, bonus leave, or compensatory time.
6. There are no special compensation provisions for mandatory employees to receive additional pay as of the date this State of Emergency Leave Policy is adopted.

C. Additional Emergency Leave

State of Emergency Leave is available for all employees who request leave because they experience the symptoms related to COVID-19, subject to the availability of funds. These leave hours are separate and distinct from the 96 hours of paid State of Emergency Leave detailed above. These additional Emergency Leave hours are available effective March 10-March 15, 2020.

D. Delegation of Authority

1. During the period of the State of Emergency declared by the Governor, the Board of Trustees hereby delegate full authority to the President or his/her designee to

take all actions to implement any and all paid and unpaid leave options available from any federal, state, or local source to keep employees in pay status and/or covered by employment benefits, such as health insurance. This authority includes extending the amount of State of Emergency leave made available to employees under this policy and extending the period in which this policy is effective, to the extent funding allows.

2. The Board of Trustees may repeal this policy at any time.

Approved by the Board of Trustees - *****

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