

## TUSCARAWAS COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

**DATE:** Regular Meeting, Monday, January 25, 2021

**PLACE:** Via Zoom Video/Phone Conference

*Public access to meeting is granted by phone. Call 1-646-558-8656, follow prompts to enter meeting ID 89003805261 and password 829698.*

**TIME:** 5:45 p.m.

**CALL TO ORDER:** President

**1.1 ROLL CALL:** Executive Assistant Lisa Sidoti

	<u>Present</u>	<u>Absent</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

**1.2 REVIEW OF TuscBDD MISSION AND VISION**

- **Mission Statement:** The Mission of the Tuscarawas County Board of Developmental Disabilities is to enhance the lives of individuals with disabilities through quality services and community partnerships.
- **Vision Statement:** The Vision of the Tuscarawas County Board of Developmental Disabilities is for a community that recognizes the importance and potential of all citizens.

**1.3 ADDITIONS, DELETIONS, CORRECTIONS TO AGENDA**

- The motion language in item 7 under New Business was revised.

**I. APPROVAL OF MINUTES**

1. Recommendation to adopt a motion to approve the minutes of the November 23, 2020 Board meeting.

Motion: **Andrea Legg**

Second: **Stephanie Wilson**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

2. Recommendation to adopt a motion to approve the minutes of the November 23, 2020

Ethics Committee meeting.

Motion: **Donna Wayt**

Second: **Ryan Yoss**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

3. Recommendation to adopt a motion to approve the minutes of the December 9, 2020 special Board meeting.

Motion: **Julie Brinkman**

Second: **Stephanie Wilson**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

## II. FINANCIAL REPORT

### 1. Monthly Reconciliation

*The financial reports for November and December were provided for review. The noteworthy items were highlighted in the reports. Mark Schott explained that the TuscBDD general fund ended up with a large net gain in 2020 rather than the projected loss of \$136,000; however, that was primarily due to the transfer from the MEORC investment fund which is treated like revenue. With the transfer taken out, the net gain for 2020 was only \$100,000. The total revenue received in 2020 was higher than expected in several areas which also attributed to the gain in revenue. Most expenditure accounts were under budget for 2020 due to the effects COVID-19 had on Ohio's DD system, with the biggest impact being less spent for non-waiver services and travel. Three expenditure accounts were over budget, and Mark reported that a total of \$159,000 was paid to providers in 2020 for COVID-19 supplies. The budget for 2021 is very uncertain due to the ongoing effects of the virus. Nate Kamban and Mark Schott will continue to meet with the County Commissioners to review the long-term financial forecast and future levy plans. TuscBDD continues to project deficit spending at this point in the levy cycle and a healthy carryover will be needed for financial sustainability. Nate Kamban shared that long term forecasts continue to show a need for additional dollars in the future. Comments or questions were welcomed from the Board members on the information*

contained in the report.

Recommendation to adopt a motion to approve the financial statement as presented.

Motion: **Stephanie Wilson**

Second: **Andrea Legg**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

2. Recommendation to adopt a motion to approve salaries in the amount of \$387,736.34 and expenditures in the amount of \$498,995.20 for the months of November and December.

Motion: **Ryan Yoss**

Second: **Julie Brinkman**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

### III. COMMITTEE REPORTS

### IV. OLD BUSINESS BEFORE THE BOARD

### V. NEW BUSINESS BEFORE THE BOARD

#### 1. Board Policy Rescission

Recommendation to adopt a motion to approve the rescission of Board Policy 1.12 – Store Management as presented.

Motion: **Donna Wayt**

Second: **Julie Brinkman**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	

Donna Wayt	x
Stephanie Wilson	x
Ryan Yoss	x

The President declares the motion **carried**.

**2. Personnel Policy Revision**

*Minor revisions were made to this policy to align content with language in Ohio Administrative Code for background checks and Ohio Revised Code in regards to specific relatives of County Commissioners who cannot be employed by TuscBDD.*

Recommendation to adopt a motion to approve the revisions to the following Personnel Policy as presented:

- **2.8 Evaluation of Applicants and Basis for Selection/Disqualification**

Motion: **Andrea Legg**

Second: **Julie Brinkman**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

**3. Compliance Plan Revision**

*Nate Kamban shared that Lisa Sidoti and Lynn Angelozzi completed the revisions to the Compliance Plan to reflect the updated agency values as well as current job titles reflected throughout the plan. Specific examples of sexual harassment were also removed from this document based on the recommendation of legal counsel that specific examples not be listed in policy.*

Recommendation to adopt a motion to approve the revision to the Compliance Plan as presented.

Motion: **Donna Wayt**

Second: **Stephanie Wilson**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

**4. Vision 2020 Strategic Plan Annual Report – Highlights from 2020 (Discussion only)**

*TuscBDD’s former Strategic Plan, titled Vision 2020, has come to a close and will soon be replaced by the new 2021-2023 strategic plan to be presented for adoption tonight. Kerri Silverthorn prepared a TuscBDD Community Annual Report to highlight the achievements made across the agency in 2020 as TuscBDD staff members sought to accomplish the priorities identified in the final year of the Vision 2020 plan. Nate Kamban presented a brief overview of the accomplishments of 2020. He expressed his appreciation to TuscBDD staff members as they responded to ever-changing agency and community needs during a global pandemic with creativity, flexibility, and innovation.*

**5. 2021-2023 Strategic Plan**

*Nate Kamban presented an overview of the TuscBDD Strategic Plan for 2021-2023. This plan was developed as a result of feedback received from virtual forums held with TuscBDD employees, Board members, individuals, and community members. This plan includes our new agency values and updated funding priorities as well as three main themes identified for the next three years. Theme One: Support and Empower Through Life Transitions; Theme Two: Collaborate to Encourage Healthy Relationships and Broaden Services; and Theme Three: Explore System Simplification and Innovation. Each theme is then broken down into various objectives as highlighted in the plan. Once adopted, the plan will be posted to the agency website and progress will be monitored on an ongoing basis.*

Recommendation to adopt a motion to approve the 2021-2023 Strategic Plan as presented.

Motion: **Stephanie Wilson**

Second: **Andrea Legg**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

**6. Resolution to Amend Health Flexible Spending**

WHEREAS, the Tuscarawas County Board of Developmental Disabilities (the “Employer”) previously adopted a Section 125 plan; and

WHEREAS, the Consolidated Appropriations Act 2021 provides in part for significant changes to health Flexible Spending Accounts (FSA) and Dependent Care Assistance Plans (DCAP) for 2021 and 2022; and

WHEREAS, the Employer desires to amend the Plan to permit Health FSA and DCAP

carryover, updated DCAP age limits, and election amount changes as outlined in the attached amendment;

NOW, THEREFORE, BE IT RESOLVED that the Board has hereby reviewed the attached amendment and does hereby approve of this amendment to permit Health FSA and DCAP carryover, updated DCAP age limits, and election amount changes for the 2020 and 2021 plan years as specified.

Motion: **Ryan Yoss**

Second: **Stephanie Wilson**

**Roll Call:**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

**7. Resolution Regarding COVID-Related Leave**

*Nate Kamban summarized the information contained in this resolution and explained that this was prepared due to the fact that the COVID-related leave provided through the federally-funded Families First Coronavirus Response Act (FFCRA) expired as of December 31, 2020. While there is talk that Congress will be passing similar legislation in the near future, no action has been taken at this time. Information was gathered from other county boards and our local county government to determine how other entities are handling COVID-related leave since the expiration of FFCRA. The majority of county boards in our region are extending a similar type of leave while our local county government has chosen not to extend it. Most TuscBDD employees have job responsibilities that can be fully carried out from a remote location if an employee is required to quarantine; however, a small number of employees may be unable to telework due to the nature of their position. This resolution permits the Superintendent to put those employees who may not be able to telework on non-disciplinary paid administrative leave to protect the health and safety of students and staff while being able to provide for continuation of wages and benefits for staff. This resolution also includes a temporary amendment to the Voluntary Sick Leave Pool Policy to expand eligibility for the pool to all employees, regardless of how long they have been employed, in order to allow employees who are ill with COVID and/or are needed to care for an immediate family member who is ill with COVID and have exhausted all other accrued forms of paid leave to be eligible to access this pool of sick leave. Nate Kamban explained that it is a very small number of employees who fall into this gap, such as newer employees who would not have been here long enough to have paid leave accumulated and would not yet be eligible to access the voluntary sick leave pool without this temporary modification. If Congress mandates further FFCRA-like leave for COVID-related absences, then it would replace the leave provided in this resolution. Andrea Legg commended the management team for their efforts to thoughtfully put this in place and bridge the gap for those employees who may find themselves in these*

*tough situations brought on by COVID. This clearly shows the value that TuscbDD places on its employees.*

WHEREAS, Governor Mike DeWine declared a state of emergency in Ohio through Executive Order 2020-01D due to the COVID-19 pandemic; and

WHEREAS, COVID-19 cases continue to persist in Tuscarawas County and the State of Ohio and continuing pandemic conditions may necessitate periodic quarantine of staff during the remainder of the duration of the State of Emergency but not beyond July 1, 2021 and/or may cause staff and/or their immediate family members to contract COVID; and

WHEREAS, federal FFCRA leave expired on December 31, 2020, and the federal government has not so far mandated further FFCRA leave; and

WHEREAS, when employees are required to quarantine due to COVID exposure and are not ill, the administration assigns them alternate duties that they can complete from home to the greatest extent possible, but some employees may be unable to telework for all of their regularly-contracted hours and may not have sufficient paid leave available to cover their absence; and

WHEREAS, some employees who become ill with COVID and/or are required to care for immediate family members ill with COVID may not have sufficient paid leave available to cover their absence; and

WHEREAS, employees must stay at home when ordered to quarantine and/or are ill with COVID or caring for an immediate family member with COVID to protect the health and safety of Board staff and students; and

WHEREAS, if employees' compensation is reduced because they have to take unpaid leave while they are required to quarantine or are ill with COVID or caring for an ill family member with COVID, they might seek alternative employment given the current state of the economy and because the United States and Ohio continue in the midst of a pandemic; and

WHEREAS, it is in the Board's best interests to retain regularly-contracted staff during this period of time; and

WHEREAS, Ohio Revised Code Section 124.388 authorizes placement of a Board employee on administrative leave with pay in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected;

**NOW, THEREFORE, BE IT RESOLVED:**

1. It is the Board's determination that the placement of employees on non-disciplinary paid administrative leave when they are required to quarantine and unable to telework is justified for the reasons set forth above and is in the agency's best interests, to

protect the health and safety of students and staff and to provide for continuation of wages and benefits for quarantined employees as set forth herein, and further that the expenditure of funds by the Board to provide this leave and continuation of pay and benefits represents a proper public purpose.

2. The Board directs the Superintendent to place employees on administrative leave with pay for reasons of health and safety when employees are required to quarantine due to COVID-19 exposure and are unable to telework their regularly-contracted hours, with no deduction from the employee's balance of accrued paid sick, personal and/or vacation leave. Employees may be required during normal working hours to remain home and to be available for and respond to phone calls, emails or other communications. The administrative leave with pay authorized by this resolution shall be known as "COVID quarantine leave" and is distinct from the administrative leave with pay referenced in Section 5.11 of the Personnel Manual, which applies in the case of possible misconduct by the employee.
3. The Board further ratifies any prior placement of employees on paid administrative leave by the Superintendent during the state of emergency for reasons of health and safety when employees were required to quarantine due to COVID-19 exposure and were unable to telework their regularly-contracted hours, with no deduction from the employee's balance of accrued paid sick, personal and/or vacation leave.
4. For the duration of the State of Emergency or until such time as Congress mandates further FFCRA or similar leave for COVID-related absences (whichever is earlier), but not beyond July 1, 2021,
  - a. The Board temporarily amends Board policy regarding the **Voluntary Sick Leave Pool**, set forth in **Section 5.14** of the Personnel Manual to expand eligibility for the Voluntary Sick Leave Pool to all employees, including those who have been employed less than twelve months, and to temporarily suspend the requirement that participation is limited to "full time employees who qualify for Family and Medical Leave and have exhausted all accrued sick, vacation, and personal leave."
  - b. The Board further temporarily amends Board policy regarding the **Voluntary Sick Leave Pool**, set forth in **Section 5.14** of the Personnel Manual to expand eligibility for the Voluntary Sick Leave Pool to employees who are ill with COVID and/or are needed to care for an immediate family member who is ill with COVID and have exhausted all accrued sick, vacation, and personal leave, whether or not the illness of the employee and/or the employee's family member is certified by a health care provider to be a "serious health condition" as defined in the Family and Medical Leave Act.
  - c. Except as amended by this resolution, the provisions of Board Policy regarding the Voluntary Sick Leave remain in full force and effect.

5. The Board further authorizes and directs the Superintendent to prepare and sign a Memorandum of Understanding between the Board and the Union to provide COVID-related leave in accordance with this Board Resolution for the duration of the State of Emergency or until such time as Congress mandates further FFCRA or similar leave for COVID-related absences (whichever is earlier), but not beyond July 1, 2021.
  
6. This Resolution shall be in full force and effect for the duration of the State of Emergency or until such time as Congress mandates further FFCRA or similar leave for COVID-related absences (whichever is earlier), but not beyond July 1, 2021, unless further action is taken by the Board, and shall supersede and replace any prior resolution or act of this Board that may be inconsistent with or duplicative of the provisions of this Resolution. If Congress mandates further FFCRA or similar leave for COVID-related absences, the Board will comply with those leave requirements in lieu of the leave provided in this resolution.

Motion: **Julie Brinkman**

Second: **Donna Wayt**

**Roll Call:**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

**8. Resolution Regarding Title IX Procedures**

*Nate Kamban shared that changes have been made to the Title IX regulations that govern how to handle complaints of sexual harassment in educational settings. These changes were designed to put the burden on employers with strict timelines and processes to address these matters. This resolution is being presented in order to confirm TuscBDD’s implementation of these amended provisions while also providing additional time to develop a policy and procedure specific to our agency.*

WHEREAS, 20 U.S.C. § 1681 *et seq.* authorizes and directs recipients of federal financial assistance to effectuate Title IX of the Education Amendments of 1972, as amended;

WHEREAS, on May 6, 2020, the U.S. Department of Education, Office of Civil Rights, published the final rule amending Title IX regulations at 34 C.F.R. Part 106;

WHEREAS, the amended Title IX regulations became effective on August 14, 2020;

NOW, THEREFORE BE IT RESOLVED, that the Tuscarawas County Board of Developmental Disabilities (“Board”) hereby implements the provisions of the amended Title IX regulations.

The Board implements all aspects of the regulations, including, but not limited to, updated definitions of sexual harassment, equal treatment in responding to complaints of sexual harassment, an objective grievance process, and appropriate notice throughout;

BE IT FURTHER RESOLVED that the preponderance of evidence standard of evidence will be applied in determining responsibility;

BE IT FURTHER RESOLVED that the Board authorizes Lynn Angelozzi as the Title IX Coordinator to coordinate compliance with the amended regulations. The Coordinator may be contacted at 330-339-9753 (phone), 610 Commercial Avenue SW, New Philadelphia, Ohio 44663 (address), or [langelozzi@tuscbdd.org](mailto:langelozzi@tuscbdd.org) (email);

BE IT FURTHER RESOLVED that the Board will draft and approve a permanent policy and procedures implementing the amended regulations.

Motion: **Stephanie Wilson**

Second: **Julie Brinkman**

**Roll Call:**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

**9. Resolution of Appreciation for Robert Glasgow**

WHEREAS, in the interest of citizens with developmental disabilities, their families and staff, **Robert Glasgow** has willingly and generously given his time, interest and talents to serve as a member of the Tuscarawas County Board of Developmental Disabilities, and

WHEREAS, **Robert Glasgow** was appointed to the Board in January 2012 and served through December 2020, and

WHEREAS, **Robert Glasgow's** distinguished service on our Board has provided a solid connection for our organization with the community, families, and the individuals served by the Board,

NOW, THEREFORE, BE IT RESOLVED that the Tuscarawas County Board of Developmental Disabilities extends our deepest appreciation to **Robert Glasgow** for his years of dedication, leadership and commitment and wishes him the best.

Motion: **Stephanie Wilson**

Second: **Julie Brinkman**

<b>Roll Call:</b>	<b><u>Yea</u></b>	<b><u>Nay</u></b>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

**VI. PERSONNEL**

**1. Personnel Actions:**

- a. Ray Snyder – change in position – Service and Support Administrator to Service and Support Administration Manager, effective December 7, 2020
- b. Jamie Maize – new hire – Classroom Assistant, effective January 4, 2021
- c. Emily Lippert – new hire – Service & Support Administrator, effective February 16, 2021

**VII. PROGRAM REPORTS**

**VIII. REPORTS OF THE SUPERINTENDENT**

1. Ohio Department of Developmental Disabilities Pipeline Newsletters – These can be accessed online at <http://dodd.ohio.gov/pipeline/Pages/Pipeline-Quarterly.aspx> (*Copies are also available upon request.*)
2. Additional Miscellaneous Information
  - **Memberships and Contract Services:** A list of all memberships and contract services anticipated for 2021 was included in the Board book. Nate Kamban explained that this information is shared with the Board annually in January as an opportunity for the Board to stay informed of the memberships TuscBDD belongs to and its contractual relationships. Only those items that are above the \$15,000 threshold will be brought to the Board for their approval upon renewal.
  - **Vacation Carryover:** Due to the ongoing pandemic and travel restrictions, staff were permitted to carryover more vacation than what they earn in a year until the end of 2020. Nate Kamban proposed extending all employees permission to continue to do this through June 30<sup>th</sup> since the emergency order remains in place and travel options are limited. There are only 11 employees who currently have a balance in excess of what they earn in a year. The Board expressed no concerns with continuing with this practice through the middle of 2021. As of July 1<sup>st</sup>, employees would then be required to have their balances down to no more than one year’s worth of vacation upon their anniversary dates.
  - **Vaccination Update:** Ohio is one of the few states in the country to prioritize individuals with disabilities who have specific congenital disorders at the top of the list to be eligible to receive their COVID-19 vaccine. Nate shared that this is due to Ohio’s local DD system which is able to streamline efforts at the county level. This also speaks to Ohio’s statewide commitment to its most vulnerable citizens. Phase 1A

vaccinations at group homes and congregate settings are now complete. Phase 1B, which includes the vaccination of those prioritized individuals, is in full swing this week. The New Philadelphia City Health Department is holding a vaccine clinic at our workshop building on Thursday for approximately 30 individuals with disabilities who live within the city limits. The Tuscarawas County Health Department also continues to do an excellent job of prioritizing and scheduling shots for individuals with disabilities who live outside of the city of New Philadelphia. Phase 1B vaccines should be nearly complete by the end of this week.

- **Vision for 2021** – Nate Kamban shared the following areas of vision for 2021:
  - **Transportation:** A local workgroup has formed and meets frequently to brainstorm ideas for more flexible transportation options. Our goal is to start a pilot project this summer. A meeting was held recently with Pickaway County who has developed a successful model for flexible transportation in their county.
  - **Youth in Crisis:** We currently have three children placed in developmental centers. Each time a child is in crisis, we work through local respite programs but many still have a need for more care than what can be found locally. We continue to explore more long-term residential options with neighboring counties. Plans are being made with other interested counties to meet with a potential provider. Our goal is to develop a local multi-system team to assist in this effort.
  - **In-Home Behavioral Support:** There is currently a gap in service to families who need behavioral support within the home. This type of support is needed outside of school day hours to help the family mirror the success achieved in school. We are exploring a partnership with Ohio Guidestone and other local entities to address this need.
  - **Remote Working:** A subcommittee will be formed to help plan for long-term remote working considerations for TuscBDD. The committee will consider long-term solutions for post-COVID remote work options that prioritize cost savings while also preserving agency culture.
  - **Agency Culture Building:** 2021 provides an opportunity to continue to develop our foundation of extra mile service as the central theme of the agency going forward.
- **Extra Mile Service Award:** Starlight School – School Age Staff Members were awarded the TuscBDD Extra Mile Service Award recognizing them for their willingness to completely restructure the school age classroom in order to implement a program that allowed for additional students to receive our specialized school services. The recipients of this award include: Katy Ganz, Brenda Gonda, Bonnie Hastedt, Alisha Ketchem, Benjamin Kolbrich, Marissa Marshall, Abbie Moldovan, Farrah Raines, Jeniece Schering, and Joy Yoder. Nate Kamban recognized the team for their positive attitudes and flexibility reflected in their willingness to do what was needed to respond to and meet the current needs of students.

## IX. MISCELLANEOUS

1. Major Unusual Incident (MUI) Report

X. **PUBLIC PARTICIPATION**

XI. **ADJOURNMENT**

1. Adopt a motion to adjourn.

Motion: **Donna Wayt**

Second: **Ryan Yoss**

	<u>Yea</u>	<u>Nay</u>
Julie Brinkman	x	
Thomas Fantin	x	
Andrea Legg	x	
Donna Wayt	x	
Stephanie Wilson	x	
Ryan Yoss	x	

The President declares the motion **carried**.

Time: **6:38** p.m.

*“This is a true and accurate record of the meeting of January 25, 2021.”  
Minutes were Board-approved at the February 22, 2021 Board meeting. Signatures will be obtained when in-person meetings resume.*

\_\_\_\_\_  
Thomas Fantin, President

\_\_\_\_\_  
Julie Brinkman, Recording Secretary

This is not a verbatim transcript of the January 25, 2021 Board meeting.

2021-0125 minutes