

Ohio | Department of Rehabilitation & Correction

Mike DeWine, Governor
Annette Chambers-Smith, Director

ODRC Director's Order 20-02

WHEREAS, I, Annette Chambers-Smith, Director of the Ohio Department of Rehabilitation and Correction (ODRC), have the authority to confer the duties of the various institutions and divisions of the Department, as authorized by Section 5120.01 of the Ohio Revised Code;

WHEREAS, on March 9, 2020, the Governor of Ohio signed Executive Order 2020-01D, declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19;

WHEREAS Executive Order 2020-01D declares that state agencies like ODRC shall develop and implement procedures, including suspending or adopting temporary rules with an agency's authority, consistent with recommendations from the Department of Health designed to prevent or alleviate the COVID-19 public health threat;

WHEREAS, the Families First Coronavirus Response Act ("FFCRA") was signed into law on March 18, 2020, went into effect on April 1, 2020, and will expire on December 31, 2020; the FFCRA provides eligible employees with emergency paid sick leave (in addition to any already accrued sick leave) and expands the Family Medical Leave Act with the addition of a qualifying event;

WHEREAS, the FFCRA excludes health care providers and emergency responders from the paid sick leave and expanded family and medical leave provisions under the FFCRA;

WHEREAS, the United States Department of Labor released a temporary rule and guidance that excludes DRC employees from the new FFCRA leave benefits;

WHEREAS, DRC remains mindful of the critical need to minimize the spread of COVID-19 and seeks to protect employees while ensuring minimum staffing needs are fulfilled during the COVID-19 crisis; and

WHEREAS, DRC wants to make it more feasible for DRC employees to stay home when sick or when quarantined.

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NOW THEREFORE, I do hereby **ORDER** that DRC will offer forty (40) hours of COVID-19 paid sick leave benefits to all DRC employees, retroactive to 4/1/20, as follows:

- DRC employees will be granted forty (40) hours of COVID-19 paid sick leave, paid at 100% of the employee's total rate of pay for the following reasons:
 - The employee is subject to a quarantine or isolation order;
 - The employee is advised by a healthcare provider to self-quarantine; or
 - The employee is experiencing symptoms of COVID-19.
- Unused COVID-19 paid sick leave shall expire on 12/31/20.
- Unused COVID-19 paid sick leave shall have no cash value or benefit.

FURTHERMORE, I do hereby also **ORDER** that DRC, subject to the approval of the Director of Administrative Services, will provide a hazardous duty pay supplement for certain DRC employees, under the following conditions:

- In the event a staff member or incarcerated adult in a correctional institution tests positive for the COVID-19 virus, the institution will be placed in a RED status at the approval of the Director.
- An employee who works at a correctional institution placed in RED status shall receive a hazardous pay supplement of ten percent (10%) of the employee's base rate of pay for only actual hours worked inside that RED status institution.
 - Hours worked by the employee outside the institution and any leave hours taken by the employee will not be compensated with the ten percent (10%) hazard pay supplement.

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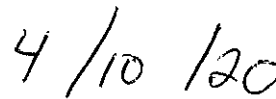
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- An employee who works at a correctional institution placed in ORANGE status shall receive a hazardous pay supplement of seven and one-half percent (7.5%) of the employee's base rate of pay for only actual hours worked inside that ORANGE status institution.
 - Hours worked by the employee outside the institution and any leave hours taken by the employee will not be compensated with the seven and one-half percent (7.5%) hazard pay supplement.
- All DRC/Adult Parole Authority parole officers and senior parole officers shall receive a hazardous pay supplement of seven and one-half percent (7.5%) of the employee's base rate of pay for hours worked.
 - Any leave hours taken by parole officer or senior parole officers employees will not be compensated with the seven and one-half percent (7.5%) hazard pay supplement.
- An employee who works at a correctional institution placed in GREEN status shall receive a hazardous pay supplement of five percent (5%) of the employee's base rate of pay for only actual hours worked inside that GREEN status institution.
 - Hours worked by the employee outside the institution and any leave hours taken by the employee will not be compensated with the five percent (5%) hazard pay supplement.
- The hazardous duty pay supplement will be retroactive to 4/1/20 and discontinued at the discretion of the Director or upon notification to the Director of Administrative Services.

This Order shall take effect immediately and remain in full force and effect until the State of Emergency declared by the Governor no longer exists, or the Director of the ODRC rescinds or modifies this Order.



Annette Chambers-Smith, Director



Date