



MINUTES

ADJOURNED REGULAR MEETING OF THE GOVERNING BOARD MARCH 19, 2020 – 5:00 P.M.

The Governing Board held on Thursday, March 19, 2020 at 5:01 p.m. its Adjourned Regular Meeting Via Teleconference pursuant to California Governor Newsom Executive Order N-25-20 wherein he suspended certain provisions of the Brown Act to allow the continuation to hold meetings without gathering in a room in an effort to minimize the spread and mitigate the effects of COVID-19 (Corona Virus Disease of 2019).

CALL TO ORDER Governing Board Chair Carder called the meeting to order at 5:01 p.m.

ROLL CALL Roll call was taken.

GOVERNING BOARD

PRESENT: Robin Carder, City of La Verne, Chair
Carolyn Cockrell, City of La Verne, Board Member
Jed Leano, City of Claremont, Board Member
Ronald T. Vera, City of Claremont, Board Member
Elizabeth Ontiveros-Cole, City of Pomona, Board Member

ABSENT: Rubio R. Gonzalez, City of Pomona, Board Member
Vacant, Vice-Chair

STAFF: Toni Navarro, Executive Director
Darold Pieper, General Counsel
Diana Acosta, Chief Financial Officer
Angela Igrisan, Chief Clinical Officer
Rimmi Hundal, Director of MHSA & Ethnic Services
Mary Monzon, Housing Manager
Mica Olmos, JPA Administrator/Clerk

NEW BUSINESS

CONSIDERATION OF URGENCY ITEMS TO BE ADDED TO THE AGENDA

1. Motion to add Urgency Business Item 1, Telecommuting Policy, to the agenda.
2. Motion to add Urgency Business Item 2, Temporary Hazard Pay, to the agenda.
3. Motion to add Urgency Business Item 3, Election of Vice Chairperson, to the agenda.

Counsel Pieper explained that the purpose of motion will be required to add these items to the Agenda for discussion under the Urgency Business and all three can be done together.

Board Member Vera inquired which were the resolutions that the Board needed to adopt.

Chair Carder stated that there were two urgency items, and the third item was the selection of the vice-chairperson.

Board Member Vera further inquired if the Board had to select a vice-chair during this meeting.

Counsel Pieper stated that the Board does not have to select a vice-chair at this meeting; however, that the Joint Powers Agreement says that the vacancy should be filled at the next regular meeting of the Board which this is meeting after the vacancy occurred.

Board Member Vera stated that today's meeting is a continuation of yesterday's meeting; therefore, the vacancy occurred at this meeting and the vacancy should be filled at the next regular meeting. Counsel Pieper state that he could impart either way.

Chair Carder asked Board Member Vera to state his concern.

Board Member Vera stated that he did not have a concern; he simply wanted to give due consideration to whoever might want to serve as vice-chair, noting that there was nothing pressing to delay or continue this matter on his mind.

Chair Carder asked for the rest of the Board Members' opinion. There was consensus to defer the selection of the vice-chair to the next Board Meeting.

There being no further discussion, Board Member Leano moved, and Board Member Ontiveros-Cole seconded to add the matter of Approval of Urgency Business Item 1 -Telecommuting Policy, Urgency Business Item 2 -Temporary Hazard Pay, to the agenda as authorized by Section 54954.2(b)(2) of the Brown Act. The motion was carried by the following vote: AYES: Board Members Cockrell, Leano, Ontiveros-Cole, and Vera; and Chair Carder. NOES: None. ABSTAIN: None. ABSENT: Board Member Gonzalez.

URGENCY BUSINESS

1. APPROVAL OF RESOLUTION NO. 526 ESTABLISHING TEMPORARY TELECOMMUTING IN RESPONSE TO COVID-19 CRISIS POLICY AND PROCEDURE NO. I.13 EFFECTIVE MARCH 16, 2020

Chair Carder inquired if the policy should be effective March 20th. Executive Director Navarro stated that it will be best to make it effective retroactive to Monday, March 16th because there is staff that have not been able to come to work because their children are out of school and also have been providing telecommuting duties as allowed by the Department of Health Care Services since March 16th.

Board Member Vera inquired if the telecommuting is in part because the executive director wished to have employees avoid being exposed to the virus, or because of the school situation and they need to stay home to take care of their children, or both. Executive Director Navarro replied that is for both reasons, pointing out that beginning on Monday March 23rd, staff will begin mandatory essential services only operations, which means that the majority of the work force will remain at home and clinical staff will be continuing to do telecommuting services as allowed by the Department of Health Care Services, noting that staff had received significant guidelines and guidance from them over the past two weeks.

Board Member Vera inquired how many employees Tri-City currently employs, and how many would be asking for telecommuting privileges if the policy was to be adopted. Executive Director Navarro replied there are 214 positions and currently 200 employed, and approximately 80% of the workforce (160 to 170 employees) will be required to telecommute; that employees do not get to ask; and that she is implementing essential staff services staff orders beginning Monday, March 23rd.

Chair Carder inquired if all employees will be able to work from home. Executive Director Navarro replied in the negative because their duties do not allow them to telecommute or to provide essential duties; therefore, they will receive paid administrative leave for two weeks beginning Monday so that they do not have to dip into their own leave bank until they exhaust the 80 hours that Tri-City will provide, noting that 40 hours of paid administrative leave will be given to part time employees.

Board Member Vera sought clarification regarding some employees going on paid administrative leave and asked to stay home, and others will be working from home. Executive Director stated that for any clinical staff whose 40 weekly hours are not met, they will be able to receive paid administrative leave until the end of the year, until it is exhausted.

Chair Carder inquired if the funds are coming out of the general fund or from the emergency reserves. Chief Financial Officer Acosta stated that the coding of their time will be as they would normally code their time; therefore, funds come from whatever department/program they are assigned to.

Chair Carder stated that this is extra money that will be paid out. Executive Director said that this is separate from the paid administrative leave; and pointed out that this policy would implement an essential orders staff in anticipation of the Los Angeles County implementing the essential services staff order at any time; therefore, Tri-City is trying to get ahead of that and have a telecommuting policy and other policies in place that will ensure staff that they do not have to worry about their health and safety because they will not be allowed to come to work. She also stated that that the telecommuting policy was prepared because everything that staff read this week clarifies for them, that when there is a "shelter in place" order, and people are not going to be allowed to come to work, you can find yourself with headaches on the back end unless you have a policy in place; therefore, staff was asking for Board approval so that staff can have a clear direction on what telecommuting means and what will be accepted as work time and what is not work time.

Board Member Vera stated that he understands what "shelter in place" orders may come; however, he also recognizes that exceptions were carved out for agencies like Tri-City because we need to be providing services. Executive Director Navarro stated that Tri-City is required to provide essential services and not all of Tri-City staff provide essential services. Board Member Vera stated that 80% of employees will be staying home under the telecommuting policy. Executive Director Navarro stated that staying home and telecommuting are two different things; and explained that telecommuting means that staff will be working from home and pointed out that not all the therapists have to come in and put themselves at risk by having in-person encounters with clients; however, Tri-City has to have a skeleton crew available in the field and onsite to provide essential services by our mandate as public servants; that there are also staff who do not have duties that need to be performed while we are shutdown.

She stated that also part of the reason is that the CDC, and the California Governor, are asking all business to send home employees and do not allow them to come to work if they do not have to; that this also honors the safety and wellbeing of many of our staff, who are extremely anxious about the fact that they still have to come to work and staff who cannot come to work because they are taking care of kids; pointing out that the San Bernardino County School District is shuttered until May 4th, and many staff will be out of the office because they do not have childcare options and will be running out of their personal leave time at any minute, which is a separate issue; however, the telecommuting policy works because we have clients that need to be seen and taken care of; that the CMS (Center for Medicaid Services) and Department of Health Care Services allows Tri-City, through its Waiver, to make telephonic and telehealth services for the staff that does not have to be exposed to danger by coming to work; and then explained the staff rotations needed on a daily basis to provide essential services.

Chief Clinical Officer Igrisan stated that this is not only for the safety of Tri-City staff, but also for the safety of our clients and of the community in order to limit exposure and keep people out of the hospitals and emergency rooms; that it is also our duty as citizens to help prevent the spread; and we anticipate that as this crisis continues, there will be evolving staffing concerns because if one staff member gets sick, we want to be able to have the ability to rotate in and out; that all the staff has the equipment and they can perform duties from home; that many are community based and they are already in the field doing their work in their cars, in their laptops, and in their phones, and telecommuting is not that far from what they are doing right now; and it is definitely in response to the virus.

Board Member Vera stated that he certainly recognizes that this is really an extraordinary emergency and does not want to put any of our employees in harm's way; however, he also recognizes just coming from a hospital board meeting, that we are asking people to provide health care and they might be exposed to this virus, but we are going to take every precaution to protect them; and expressed concern that Tri-City will be turning away persons that need help and will be showing up at Pomona Valley Hospital, or that they are just not getting the care that we supposed to provide.

Executive Director Navarro replied that Tri-City will not be turning away people. She explained that this will not happen; that staff is fully aware that regardless of being on telecommuting or paid administrative leave, that they need to be available when needed, and clients will not go unseen; and discussed the protocols in place including providing cell phones for clients to be able to call us and vice versa, and any one that needs our help will get the help they need including Pomona Valley Hospital, noting staff is in close contact with them and that we are offering the same service.

Board Member Vera asked if the Executive Director had contemplated that this can stretch out to three to four months. Executive Director Navarro replied in the affirmative and noted that unfortunately, Tri-City cannot provide paid administrative leave indefinitely; however, telecommuting can continue to be offered; that she has been also in contact with the three City Managers to let them know what Tri-City is doing; that the LACDMH Director is happy with our plan and the level of services that we have been providing this week, and that we continue to provide essential services.

Board Member Ontiveros-Cole talked about the length of time that schools will be out and, predicting that schools will not be back in service until August or September, inquired what will happen in that scenario.

Executive Director Navarro stated that in this scenario, once the COVID-19 crisis is abated, and people are able to gather and not have such rigid social distancing guidelines in May or June, Tri-City will go back to regular operations and staff will not be telecommuting; pointing out that the telecommuting policy is temporary and is only in response to the COVID-19 crisis; understanding that the schools will be closed well beyond COVID crisis due to timing, but staff will be back.

Board Member Vera referred to page 2, under section 2.2.4 of the Policy wherein it states that *"no employee engaged in telecommuting will be allowed to conduct face-to-face business in their homes"* and inquired if this meant that any client meetings will be done outside, and if they have to have meetings they have to do it somewhere else other than their home. Executive Director Navarro stated that this language means that staff is not allowed to have in-person encounters at home, pointing out that this is an example of the importance of having a policy in place.

Board Member Vera then referred to page 3, section 2.4.4, and expressed concern in dealing with HIPAA compliance, stating that we have to make sure that those employees that are working from home will have information encrypted or is not left out so that somebody else can see it. Executive Director Navarro stated that Tri-City has guidance from the Federal government that made it very clear they are going to be very lenient with MediCal providers and county behavioral health providers throughout the country with HIPAA regulations, knowing that everyone is doing their best to make sure that people's emergent mental health and physical health are met, while at the same time they are doing HIPAA; and that Tri-City has implemented a new email encryption system so that everything that we send out in Tri-City email is fully encrypted; and that Tri-City's Electronic Health Records is a web-based application which is fully HIPAA compliant; and clinical staff have been provided a one-page instructions about how to keep information safe and comply with HIPAA regulations.

Chair Carder stated that the Board supports staff and was asking questions that are important to them because the Board wants to make sure that we never to go back to the problems that led to bankruptcy, because business will be hurting after this settles; and that the Board does respect the employees.

There being no further discussion, Board Member Leano moved, and Board Member Cockrell seconded, to adopt Resolution No. 526 establishing Policy and Procedure No. I.13 – Temporary Telecommuting in Response to COVID-19 Crisis effective March 16, 2020. The motion was carried by the following vote: AYES: Board Members Cockrell, Leano, Ontiveros-Cole, and Vera; and Chair Carder. NOES: None. ABSTAIN: None. ABSENT: Board Member Gonzalez.

Executive Director Navarro thanked the Governing Board for adopting this telecommuting policy because it not only allows staff to continue to provide services, nor because of the staff morale, or their loyalty and commitment to Tri-City will be high because they will see that we care about them; but because we will be asking our staff to do a lot of work.

2. APPROVAL OF RESOLUTION NO. 527 ESTABLISHING TEMPORARY HAZARD PAY IN RESPONSE TO COVID-19 CRISIS POLICY AND PROCEDURE NO. I.14 EFFECTIVE MARCH 16, 2020

Chief Financial Officer Acosta stated that she, the rest of the finance team, and the rest of the executive team, are very cognizant and conscientious specially during this hard times, and that they are pacing themselves in making sure that they are approaching this with a lot of caution, with the employees in mind and the welfare of the agency overall.

She then talked about the temporary hazardous pay and explained that staff thought that this was appropriate to offer as a benefit to employees that are required to be onsite working directly with the public or having to be in the office for essential processes that need to be taken care of during this period; that the policy is temporary and it will be \$3 dollars hourly pay; that she roughly estimated that 40 employees will be required to be onsite, some full time and some only intermittently, and approximately \$38,000 will cover approximately four weeks.

Chair Carder sought clarification regarding the effective date of the resolution. Chief Financial Officer Acosta asked if the Resolution can be made effective on March 23, 2020.

Board Member Vera asked if a person is telecommuting, and is asked to be called in to do an in-person encounter, will be eligible for hazardous pay. Chief Financial Officer Acosta replied in the affirmative, noting that all employees assigned telecommuting are on-call.

Board Member Vera inquired how exempt employees will they be compensated if they are eligible for hazardous pay. Executive Director Navarro stated that there will be a special code assigned hazardous pay for the hours worked. Board Member Vera further inquired how will those employees that do not get paid hourly, meaning are paid a straight salary, be paid. Chief Financial Officer Acosta replied that they will also get paid hourly.

Board Member Vera further stated that he had no idea whether staff will not get paid enough or paid too much, and inquired if \$3 is something that we determined.

Chair Carder inquired how staff came out with the \$3 hourly pay. Chief Financial Officer Acosta stated that HR Manager conducted the research through several governmental local agencies; that the range varied from \$2 to higher than \$3 dollars; that staff also took into consideration the time and one-half pay; however, staff decide that \$3 was more appropriate because it was right in the middle.

Board Member Vera told Chair Carder that we should make this part of the Minutes so that it does not appear that this is an arbitrary decision; that it is something that staff has looked into; and that it is reasonable and appropriate for the circumstances.

There being no further discussion, Board Member Vera moved, and Board Member Leano seconded, to adopt Resolution No. 527 establishing Policy and Procedure No. 1.14 – Temporary Hazard Pay in Response to COVID-19 Crisis effective March 23, 2020. The motion was carried by the following vote: AYES: Board Members Cockrell, Leano, Ontiveros-Cole, and Vera; and Chair Carder. NOES: None. ABSTAIN: None. ABSENT: Board Member Gonzalez.

GOVERNING BOARD COMMENTS

Chair Carder indicated that the Board will select a vice-chair at its next regular meeting.

PUBLIC COMMENT

James Curtis, of NAMI Pomona, thanked the Governing Board for its continued support; stated that he will be having some conversations with staff starting tomorrow about some work around their PEI and CSS contracts; that staff has been great in working with them in trying to accommodate things that happened with him; and he reiterated how much he appreciates their partnership with Tri-City.

ADJOURNMENT

At 5:45 p.m., on consensus of the Governing Board its Adjourned Meeting of March 19, 2020 was adjourned. The next Regular Meeting of the Governing Board will be held on Wednesday, April 15, 2020 at 5:00 p.m. at a location to be determined due to COVID-19.



Micaela P. Olmos, JPA Administrator/Clerk