

Local Focus

The Magazine of the League of Oregon Cities

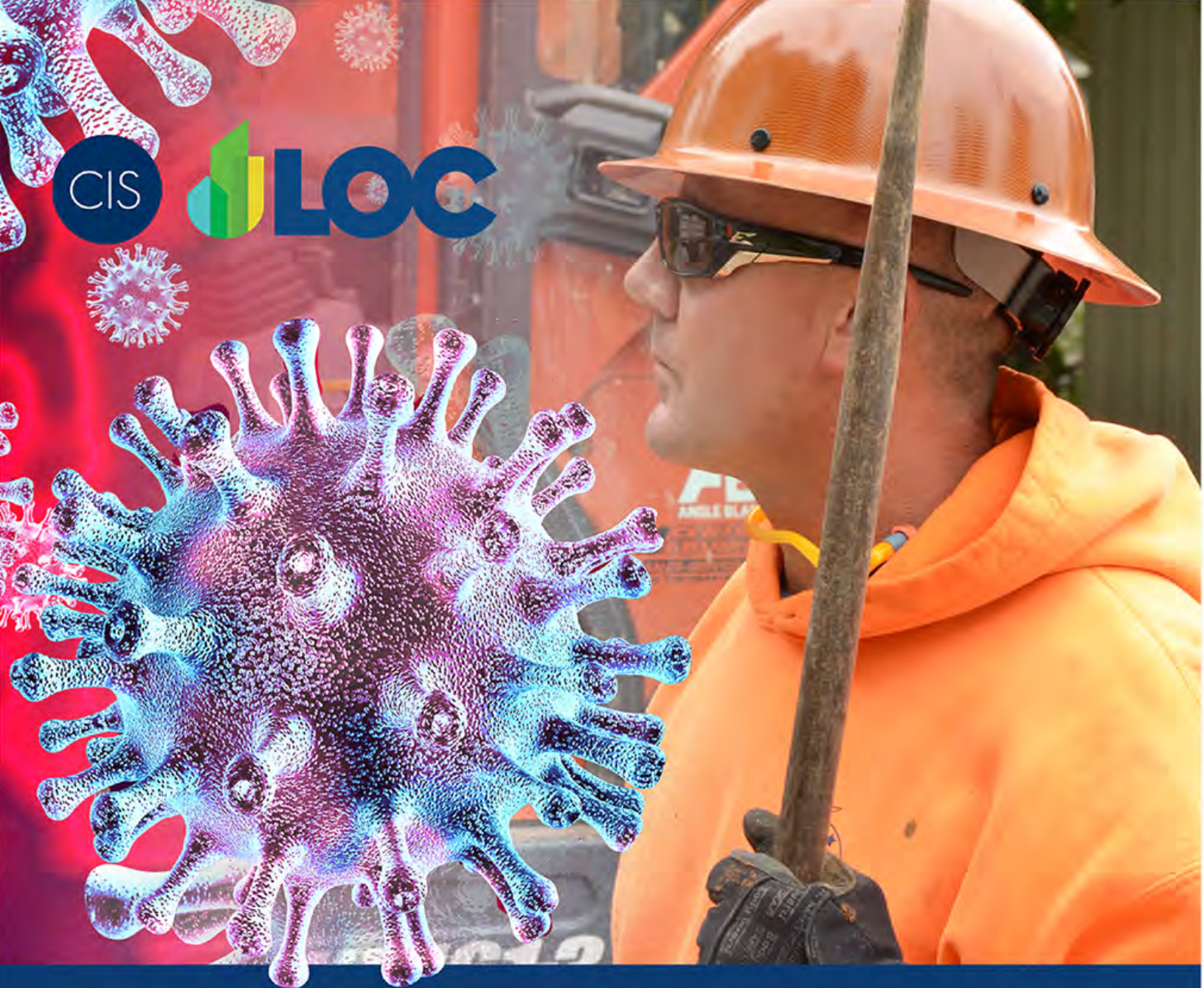
SECOND QUARTER 2020



We're in this Together

Cities step up
during COVID-19
pandemic





During these unprecedented times, we thank you for all of the critical services you're providing to Oregon.

We're all in this together because...

WE ARE ONE.

Visit our coronavirus page at cisoregon.org/COVID19 to access sample coronavirus-related policies, worksheets, best practices, public safety resources, and answers to your insurance-related questions.



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Local Focus



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HAYDEN OPPORTUNITY FUND for Housing Affordability

As the challenges surrounding the COVID-19 crisis continue to evolve, the safety and health of our community members, leaders and families is of the utmost importance. With that in mind, we are updating you on the status of the Hayden Opportunity Fund.

We recognize there is immense strain on both the public and private sectors right now. Based on this turmoil and uncertainty, **we have made the difficult decision to temporarily postpone the 2020 Hayden Opportunity Fund.** We expect, when municipal and business operations are no longer burdened by the threat of pandemic, we will be here to recognize innovation in housing affordability and availability. More than ever, we look forward to collaborating on the best ideas to move housing forward for the good of our communities.



**Stay safe and thank you for all you're doing
to keep our communities healthy.**



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To keep updated visit HaydenOpportunity.org



Short Legislative Session Ends Abruptly

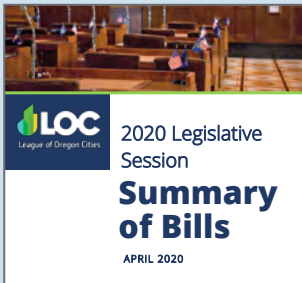
Oregon's 2020 short legislative session came to an abrupt close February 27, 2020 with both chambers gavel-

ing down. Democratic leadership was unwilling to return to a legislative schedule on the final day of session under conditions offered by Republican leadership. Earlier in the session, Republicans from both chambers had walked out due to their objections over SB 1530, cap and trade legislation advanced by Governor Brown and Democratic leadership.

With only a couple of weeks of a functional session, the Legislature only had three bills for the governor's signature. These included: HB 4061 (cultural registration plates), HB 4106 (Happy Valley annexation from county service district), and HB 4140 (Oregon Department of Education program for students in concussion protocol).

The LOC entered the session with an extension of legislative priorities from the 2019 session. This included support for additional revenue to fund the expansion of broadband in underserved areas of Oregon with HB 4079. The LOC also found itself active in a package of wildland fire response legislation that included related land use issues. Other high priority issues the LOC was involved in were related to homeless shelter citing, economic development, liquor revenue and public records.

The early closure of the session due to a Republican walkout has left lingering relationship issues among the Republican and Democratic caucuses. When the session concluded, it was clear there would need to be a cooling off period, but with the global outbreak of COVID-19, Oregon's response has forced the entire legislative body to work with Governor Brown and focus energy on responding to the pandemic.



2020 Legislative Session Bill Summary Available

The LOC has published its [2020 Legislative Session Summary of Bills](#). Categorized by topic, this publication provides a detailed look at the bills the League's advocacy team worked on during the session. The summary includes information about both passed and failed bills, and contains links to each bill described.

Meet the newest
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Brenda Wilson

Executive Director

Lane Council of Governments



LGPI Gets a New Home

The Local Government Personnel Institute (LGPI) will soon have a new home. Beginning on July 1, the services presently furnished by LGPI will be offered and administered by Lane Council of Governments (LCOG).

As you no doubt remember, LGPI found itself in a dire financial situation in 2018. To ensure Oregon's local government entities would continue to receive professional human resources and labor relations services at an affordable cost, the League of Oregon Cities (LOC) agreed to bring the LGPI line of services in-house.

Earlier this spring, I approached LOC Executive Director Mike Cully with the idea that LCOG was in a strong position to provide Oregon local governments with the LGPI-type services they need. For more than 70 years, LCOG has provided high-quality services to local governmental agencies statewide. We employ more than 280 people and provide services over four broad areas: Administration; Government Services; Senior and Disability Services; and Business Services. In addition, LCOG is the designated comprehensive planning and review agency for multiple federal and state programs. We provide assistance to a wide variety of local government needs, such as helping develop special plans, applying for grants, managing special projects, providing business loans, coordinating one of the state's largest broadband projects, and operating an internationally award-winning video production studio.

While LGPI services are a new service area for LCOG, the transition is expected to be seamless with no impact on current LGPI members. In fact, LGPI attorney and staff member Pierre Robert will become an employee of LCOG on July 1, 2020—performing the same valuable labor relations services to local governments across Oregon at the same rates and under the same conditions LGPI members already enjoy.

We have some big goals and large changes in store for LGPI, all of which work toward becoming an even greater resource for Oregon's local governments. LCOG intends to reach out to local governments in the upcoming weeks to hear from you about your experiences with LGPI and the services you need and expect in the future. This will help to ensure we're heading in the right direction in planning for LGPI's future.

More information about this exciting transition will be forthcoming in the next few months. I am excited for this new chapter for LGPI and hope to grow the program to better serve Oregon's local governments into the future.

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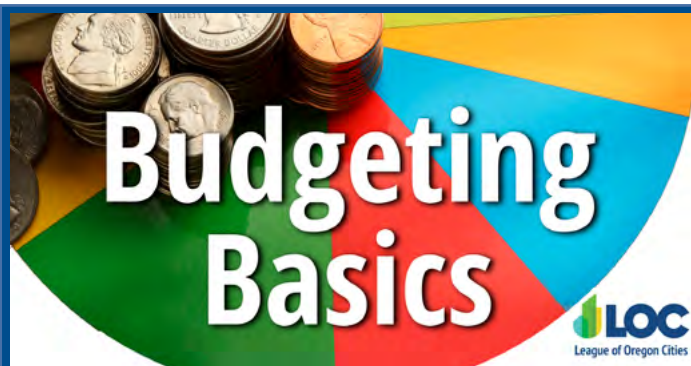
LOC Welcomes New Staff to Member Services Team



Two new team members have joined the LOC's Member Services Division over the past three months.

Interim Member Services Director **Jon Steiner** started in February. He brings to the LOC more than 30 years of experience with municipal leagues in New Hampshire and Kentucky, where he most recently served as executive director. He has also served on the National League of Cities Board of Directors and held elected office at the local level and served as a school board member. He holds degrees from the University of New Hampshire and Dartmouth College.

Project Coordinator **Kelly Richardson** has been employed in Oregon local government since 2007, starting in the city of Aurora as a court clerk/utility billing clerk before being promoted to city recorder in 2009. As city recorder for a community with a population of 985, she wore many hats, including: court manager, HR manager, risk manager and permits specialist, just to name a few. In 2017, she was hired by the city of Molalla as a city recorder/court manager. She joined the LOC in February. Prior to 2007, Kelly had been a hairdresser for 23 years. Recently she became a new grandmother and thoroughly enjoys her time with family.



City Budgeting Resources

As cities are going through the budgeting process, the LOC has resources to help! **Budgeting Basics** takes a look at the budget process, common elements and current law.

Find additional budgeting resources in the **Topics A-Z section** of the LOC website.

Municipal Information at Your Fingertips

The new and improved **Topics A-Z** (formerly A-Z Index) is now live on the LOC website. Easy to navigate and searchable, this resource is a collection of information categorized into fundamental city governance topics. Find resources, publications, samples and links to information on a range of topics from animal regulations to youth engagement.

Topics A-Z



LOC Board Votes on LGPI, PERS Side Account

On April 1, the LOC Board of Directors held a special meeting to address four agenda items: LGPI; PERS Side Account; emergency COVID-19 leave policy; and relocating the June 12 board meeting. More information about the meeting is posted on the [LOC website](https://www.locweb.org).

From our rails to Oregon to the world.

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Legacy of Leadership: Bob Austin, 1951-2020



Former Estacada Mayor Bob Austin, who served as LOC President in 2006 and on the LOC Board of Directors from 2001-2007, died March 30 as a result of complications from cancer treatment. Mayor Austin was a 2007 recipient of the Mayors Leadership Award from the Oregon Mayors Association and served 8 years (2 terms) as mayor of Estacada. He also served as Clackamas County Commissioner from 2008-2010, represented the LOC on

the Oregon DEQ Blue Ribbon committee, and served on the LOC's Community Development and Tax & Finance policy committees.

Mayor Austin had a passion for the environment and his community. He was a peacemaker and worked diligently to bring people together for positive change. After working several years for the Bonneville Power Administration, his last job was his dream job with Upper Snake River Tribes (USRT), where he helped facilitate the return of salmon to communities that had not seen them recently.

Bob was admired by his colleagues and friends for his optimism, knowledge, and his silly puns. He supported the arts and greatly enjoyed attending plays, gallery shows and concerts, and collecting guitars. He loved his family and was incredibly devoted to them. He was a busy person but was always there when anyone needed him, or when an opportunity to go fishing arose. He had a kind, compassionate and generous spirit.

"Mayor Austin was a well-respected and thoughtful leader, said Peggy Fowler, former president and CEO of Portland General Electric. "I will always be grateful for his support in our successful efforts of obtaining the FERC Clackamas System relicensing agreement. Our sincere condolences to Mayor Austin's family and to the people of Estacada whom he represented with honor and humility for many years."

Small Cities Meetings

At press time, no meetings have been scheduled for 2nd Quarter due to the COVID-19 pandemic and restrictions on gatherings. Visit the [Small Cities Program page](#) on the LOC website for the latest meeting information.



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Budget Now to Attend the 95th Annual Conference in Salem

Don't miss out on LOC's premier training and networking event for city officials. The 95th Annual Conference will be held October 15-17 at the Salem Convention Center.

For Your City's Budget

Here are estimates cities can use in their FY 2020-21 budget process to plan for registration and event costs.

Costs per attendee	If registered July 13 - August 28	If registered after August 28
LOC Member full registration	\$375	\$425
Non-Member Government	\$475	\$525
Non-Member Corporate	\$1,000	\$1,050
Guest	\$150	\$150
Awards Dinner	\$50	\$50
Special Tours/Workshops/ Seminars (includes OMA, OCCMA, Councilors Workshop and Tours)	\$50-150	\$50-150

Note: Conference registration closes on October 2.

After October 2 registration must be done on-site and will cost an additional \$50.

Census Deadline Extended

The U.S. Census Bureau has announced the extension of the 2020 Census deadline from July 31 to **October 31**.

This is welcome news, as the census response rate is lower than expected due to COVID-19 and the suspension of all field work during the crisis. Oregon's returns are slightly higher than the national average, but still below where we were 10 years ago. It's vitally important that Oregon achieves a complete count, as census counts are used to direct federal resources to states and jurisdictions as well as determine proportional representation. City leaders are encouraged to [check their city's response rate](#) and consult the [Oregon Complete Count Committee website](#) for tips on communicating the importance of filling out the census with residents.

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2020**

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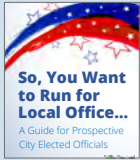


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New Publications and Reports Available on LOC Website

The latest models, FAQs, guides and research reports can be found in the LOC's online [Reference Library](#).



[So, You Want to Run for Public Office...A Guide for Prospective City Elected Officials](#)



[Water Rates Survey Report](#)



[Model Motor Vehicle Fuel Tax Ordinance](#)



[System Development Charges Survey Report](#)



Are You Signed Up for the *LOC Bulletin*?

Designed to be easy to read and more mobile-friendly, the weekly [LOC Bulletin](#) is your source for staying current on legislative news, action alerts, breaking news, bill summaries and more. The *LOC Bulletin* is emailed every Friday. To be added to the email list, contact loc@orcities.org.

THANK YOU

To first responders, healthcare professionals, essential workers, and municipal employees who are leading our communities and keeping Oregon safe.

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CONSERVATION CORNER

Practicing Conservation While Quarantined

Some of us may notice increased costs on our utility bills next month. This is due to a number of factors, most importantly being the fact that you are in your house more hours each day distancing yourself from others in an effort to prevent the spread of COVID-19. So, not only do you have to contend with being confined to your home all day with those you love most, but you might be paying more money to keep your family safe from COVID-19. It's likely that you're using more water by flushing your toilets more often and by washing more dishes. You may also be using more electricity to power lights, the television, and computers for longer periods of time because you're home all day. If you are teleworking, you may even need to increase limits set on your WIFI.

However, it's not your computers and televisions that are the energy hogs. The real culprits are your washing machine, dishwasher, stove, refrigerator and your oven, which is likely being used more right now because many restaurants are closed, and others are only providing take-out or delivery. So, if you have to cook, go small. Use your microwave, toaster oven or if you have a grill, fire it up and use it. Get a pizza stone that fits your grill for frozen pizzas or grill all the meat and veggies you'll need for a week's worth of recipes at once. If your grill has a side burner, use it to cook soups, etc. Be sure to keep the thermostat for your house at a steady temperature. Constantly changing the temperature of the thermostat really eats up energy. Finally, minimize how often you open and close the refrigerator.

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As for water conservation, this is a great time to check for and repair leaky toilets, add aerators to faucets, and install low-flow showerheads. When running the dishwasher, make sure it's completely full; pretend it's a game of Tetris if you have to! Run the washing machine with only full loads as well, even if you have to wait two weeks to do laundry. We aren't going into public frequently, so no one is going to judge you for wearing that old sweatshirt more than once. Be sure to scrape food off plates instead of pre-rinsing dishes before they go in the dishwasher. If you're hand washing dishes, turn the faucet on only to rinse multiple dishes or, even better, fill a basin with water for rinsing. You will save about 2.5 gallons of water for every minute your faucet does not run. This is also a great time to consider converting the grass in your yard to xeriscaping, which doesn't require the water application intensity that a traditional lawn does.

While "Staying Home" can save lives right now, it can also cause an increase in some of your utility bills; but it is not a given. With a few small changes in the way you use your appliances and use water, you may not even notice an increase. While we are "Staying Home and Saving Lives," we can also do our best to save water and save energy.

For more tips on ways to conserve water around your home, visit the Oregon Water Resources Department's (OWRD) web site:



- [Saving water inside the home](#)
- [Saving water outside the home](#)

For other questions related to OWRD's water-conservation programs, contact Kerri Cope at Kerri.H.Cope@oregon.gov or 503-986-0919.

For information on conserving energy, visit the Energy Trust of Oregon's web site at: www.energytrust.org.

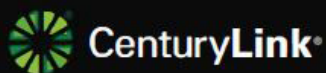
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Safety Tips for Emergency Home Repairs During COVID-19



repair services, is working to maintain customer and contractor safety while delivering crucial services.

In these times of social distancing, we're pre-paying for takeout, avoiding crowds and skipping visits with at-risk loved ones. But what can your residents expect when they need an emergency home repair and a technician must visit their home?

HomeServe, a leading provider of emergency home

The company is continuing to provide [essential emergency home repairs](#) to their customers in a safe and responsible way. Their call center agents are [working remotely](#) to continue to field 60,000 calls a week, dispatching network contractors on 10,000 urgent emergency home repairs a week, even as many businesses are shut down. On these thousands of jobs, customer and contractor safety are the top priority.

Call center agents are asking screening questions to determine whether someone in the household has been exposed to or has coronavirus. Those who are under quarantine and need an emergency repair are being handled by a specially trained and outfitted team.

To ensure resident safety, here are some tips for those who must have tradespeople coming into their homes:

- Avoid problems and DIY smaller ones if you can. HomeServe's blog is full of advice on how to address small projects like [installing a thermostat](#), and one of the best ways to avoid plumbing problems is not treating the toilet as a trash can—only human waste and [toilet paper should be flushed](#).

Solving for aging infrastructure can be a puzzle.

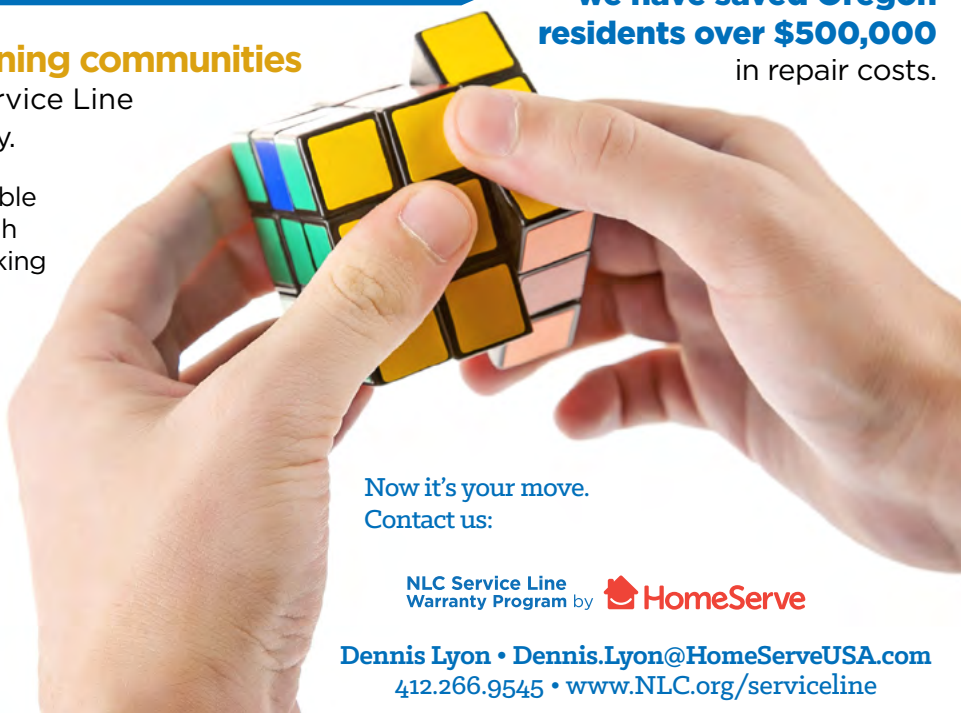
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- Offers a revenue sharing component to help fund city programs
- Uses local area contractors

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Grease, wipes, paper towels and cigarette butts should never be flushed.

- [Communicate by phone or text](#)—discuss the repair in advance, and, if you need to follow up, do so by text, even if they're in your yard or home. It may seem silly, but your technician will appreciate it.
- Before a technician enters your home, ask them what their social distancing protocol is and let them know if you or someone in your home is at risk or immune compromised. Agree to keep your distance from one another and forgo any handshaking.
- Offer to allow the technician to wash their hands at your sink. The skilled trades can be a dirty job and technicians frequently come into contact with bodily fluids. They ordinarily would hesitate to wash their hands at a client's home, so take away the uncertainty and allow them to practice recommended hygiene.
- Ask about a digital payment. Money carries germs at the best of times, and we should all be keeping six feet apart.

What technicians should be doing:

- If the job isn't urgent or impacting your quality of life, they may ask you to wait. Not only are we dealing with a pandemic, but many [supply manufacturers are in China and Italy](#) and some parts are difficult to come by. If this will impact your repair, they should let you know.

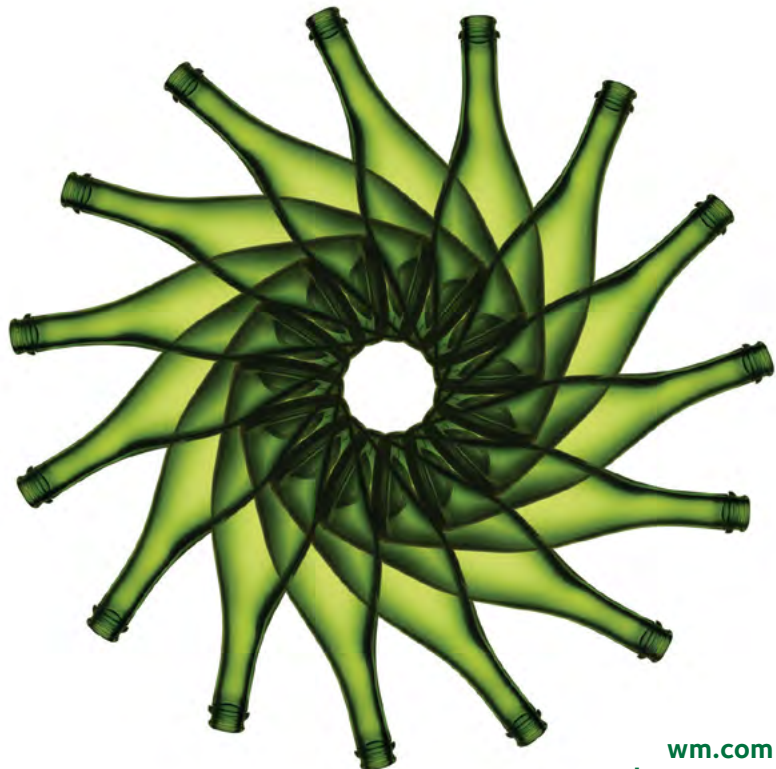
- They should let you know that they are healthy when they arrive at your home. This may seem awkward, but these are unusual times. At HomeServe, our technicians' health is being monitored, and anyone showing symptoms is told to stay home.
- Technicians should be wearing PPE, or personal protective equipment, including a N95 mask and nitrile gloves, even under their work gloves.
- They should avoid touching surfaces as much as possible and wiping down those surfaces they must touch. In addition, they should avoid touching their face, eyes or nose as well.
- Don't be surprised if you see them wiping down their vans or tools—the coronavirus can live for hours on hard surfaces, and this helps keep them and their coworkers safe.
- They should be washing their hands or using hand sanitizer—the International Association of Plumbing and Mechanical Officials is recommending [even more frequent handwashing](#) than usual for plumbers.

If we all work together and stay apart, we will get through these difficult times.

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We're in this Together

Cities step up to provide support
during COVID-19 pandemic



Mike Cully
LOC Executive Director

Rising to Meet the Challenge

The landscape has permanently changed. At the onset of this COVID-19 crisis we knew life was going to be dramatically different for the foreseeable future. We also knew our cities needed answers and leadership in a way the LOC had not shown before. The board and staff of this organization answered that call immediately and sprang into action. The LOC strengthened existing partnerships and forged new ones with state and federal organizations. We knew we were all in this together, and we knew a “whole-of-government” approach was essential to triage this crisis.

There is no industry that can escape the fallout of what we’re currently experiencing. Across the board, the way we act and interact is fundamentally changing. Already we have learned that we can be productive and effective working remotely. Technology has made this possible. At the LOC, we have learned to leverage this opportunity and quickly scale as we work to reach our members on available platforms, and this digital publication—traditionally in print—is an example of that adaptation.

Never before has the phrase, “We are one,” been more apropos than in describing how the LOC and our partners at City-county Insurance Services (CIS) came together to address this unknown. We leveraged resources, knowledge and our long relationship together to serve our members in an unprecedented way.

In addition, the LOC elevated its partnership with the office of Governor Kate Brown. Throughout this situation, Governor Brown and her team have been remarkable in providing strong leadership. Transparent and dedicated, they, along with the LOC, have often worked round-the-clock shifts to coordinate and communicate and keep our residents safe and informed. As part of the Coronavirus Economic Recovery Advisory Team, we are confident in our collective ability to guide Oregon through its rebuilding.

As an immediate step to disseminate information to our leaders throughout Oregon, we instituted—within the first week of the crisis—a statewide conference call for community leaders highlighting reports from our partners. These calls struck a chord with many, and weekly we have hosted as many as 450 callers dialing in from every corner of the state. Thanks to our partners at the Oregon Health Authority, the Office of Emergency

Management, the White House, the National League of Cities, FEMA, the USDA and so many more that worked with us to educate, inform and answer your questions.

In the earliest days of the unfolding crisis, we launched COVID-19 specific web pages targeted to cities. As this resource developed, it became a model for others doing likewise across the country. We update these pages on a continuous basis to assure that the information we are providing is the most relevant and up-to-date available.

All of this matters—because our cities matter.

On this battlefield of recovery, cities are on the front line. Look no further than our cover feature this month “Stories of Hope and Help.” While the COVID-19 story is one of struggle and uncertainty, it’s also providing a reminder of how we can come together and make a difference.

And so, even as we all continue working remotely, the LOC is reinventing itself for a new reality: as a sub-department of all 241 cities, we understand our role. We will lead and innovate. The LOC will continue to be the trusted, go-to source for all cities in our great state.

On the innovation front, with so many unknowns, we are working on alternate scenarios for delivery of our annual conference in October. We will bring our conference to life again this year, but it will almost certainly look different based on this crisis. Our priority is keeping everyone safe and healthy, and with that in mind, we will take the appropriate action when planning our events and trainings.

There is a silver lining in all this: we have learned that we can be—as a state, an organization and cities—as effective and efficient working remotely as we were when we worked in a centralized office. It is remarkable how adaptive all leaders in this state have been, and how resilient we will be as we come through this disaster.

Through it all, the LOC will be the North Star. We accept the charge to lead, and we are privileged to serve. On behalf of the LOC staff and its amazing board of directors, it’s important to know that our mission and vision is clear: to assure our cities are supported at the highest level. ■

Stories of Hope & Help

Communities Across the State Step Up to Provide Support During COVID-19 Pandemic

By Melody Finnemore

As Governor Kate Brown's "stay-at-home" order took effect in March in response to COVID-19's arrival in Oregon, communities across the state found ways to support vulnerable residents, business owners, healthcare professionals and others in need of a helping hand.

In the small city of Fossil, Mayor Carol MacInnes personally called most residents who have utility service to ask if they were staying home and staying safe, if they had enough supplies to last, if they had any concerns and how the city could help them. She also ensured residents had contact information for essential services that deliver supplies.

"I had several residents offer to help those that requested it. One was worried that she did not have a can of Lysol. I took her a can that I had from home," MacInnes said. "Our community is striving to take care of each other and look out for the ones that need help during this time. I love Fossil."

In Gresham, city staff has delivered supplies to more than 3,000 elderly and medically fragile residents through its "Operation Gresham Connected" campaign. A team of 40 city staff, whose normal work has been disrupted due to COVID-19, makes calls to check in with longtime utility account holders. Through the program, staff connects residents with resources and, in some instances, employees act as couriers for critical deliveries of medication and food.

"This is one of the most rewarding experiences of my life," said Tina Osterink, natural resources planner, who volunteers for the program. "I feel like we are making a real difference."

Gresham Mayor Shane Bemis noted that, "During this time of isolation, it's more important than ever to stay connected and keep our community strong. Our incredible team of public servants is ready and willing to go beyond to help our elderly and our immunocompromised residents get through this challenging time."

Tigard's city leaders joined in the call for residents to stay connected through emails and information on the city's website. The communications included encouraging tips from city councilors, "virtual fireside chats" from Mayor Jason Snider, information on available resources, lists of businesses that offer curbside service, and "Bet You Can't Stump Us" Q&As with coronavirus-related questions submitted by residents.

Gearhart Mayor Matt Brown, in a March 22 letter in the *Seaside Signal*, stated his support for other leaders in coastal towns who implored tourists to stay home to help protect residents in their communities. He also praised local citizens who volunteered to sew hospital gowns and masks and respected physical distancing guidelines while continuing to stay socially connected and take care of themselves.

"This doesn't mean folks are locking themselves inside. People are taking state officials' and doctors' advice and enjoying the outdoors, taking their dogs for walks, and taking advantage of our beautiful outdoor settings and open spaces," he wrote. "Thank you for all you are doing and for keeping people safe and healthy!"

Other examples of community outreach and support abounded. The LOC wanted to share some of these stories of hope and help during this challenging time.



PHOTO BY CITY OF LAKE OSWEGO

The city of Lake Oswego posts weekly collage photos and video messages from different departments on their social media pages each Friday. They have also posted video messages from each of their 7 councilors. Visit the city's [Facebook page](#) and [Twitter account](#).

Feeding the Hungry

Beginning March 17, the Philomath Food Bank served about 35-40 families per week during its usual hours on Tuesday evenings and Thursday mornings. Under the direction of Karen Rowe, the food bank distributed pre-packed boxes and bags, with limited choices to expedite the process.

"We've limited the number of volunteers packing the boxes, and clients have limited contact with anyone. We're maintaining good hand hygiene and sanitation practices," said Jean Goul, president of the board of directors for Philomath Community Services.

Philomath Community Services partnered with the food bank and Linn Benton Food Share to provide food boxes for residents.

Faculty at Philomath Elementary School also ensured students were fed with emergency food boxes for families.

In Willamina, a small rural community with a large aging-in-place population and many working residents laid off from the retail, restaurant and service sectors, the closure of government buildings effectively closed its city-run food pantry. The city joined forces with the Willamina Community Food Pantry to combine supplies, and the city's Community Support Officer distributes the food to residents, Willamina City Manager Kenna West said.

"Prior to the pandemic the Willamina Community Food Pantry served 60 to 117 people per week. In the first week after the school closures, but before the huge layoffs, the pantry served 225 people," she said, adding the city uses its Facebook page and

(continued on page 20)



Philomath Food Bank served 35-40 families per week, distributing pre-packed boxes and bags with limited choices to expedite the process and limit contact.

protect it,” he said, adding The Electric Hospital also created video tutorials on making protective masks out of vacuum bags.

Hendrix Heating in Corvallis adapted filter materials usually used for furnaces to create protective masks for healthcare providers in collaboration with local quilting groups and other healthcare assistance groups. The company advertised the free masks on its website and said it was reaching out to its police and fire departments as well.

Sublimity’s leaders challenged the town’s population of slightly less than 3,000 people to make 10,000 face masks or more to help slow the spread of COVID-19. City Councilor Greg Atkin is spearheading the effort and told KPTV/Fox 12 that the partnership also involved local businesses. Santiam Cleanery in Stayton provided its washers, dryers and presses to prepare the cotton fabric, and Silver Falls Engraving in Silverton

and Cruisemaster Engraving in Sublimity offered laser cutting machines to cut fabric patterns.

“Really fortunate to have a number of neighbors step up and say, ‘I don’t have a whole lot, I have a few yards of fabric tucked away,’ or ‘Hey, I’ve got time, I’m at home and I’ve got a sewing machine,’” Atkin said.

Shelters and Showers

From Pendleton to Portland, cities and business owners took measures to ensure that people experiencing homelessness have a warm, safe place to stay every night through the pandemic.

Pendleton’s Marigold Hotel, one of scores of Oregon hotels that took an economic hit from COVID-19 closures, has provided shelter and food to the local homeless population since March 19, housing 61 people in 46 rooms on one Monday night in March. City Councilor Carole Innes told the *East Oregonian* newspaper it was an easy choice to spearhead the project.

“They’re human beings. They’re people,” she said. “I mean, it’s that simple.”

Community Action Program of East Central Oregon (CAPECO) contacted Innes in mid-March to tell her funding had become available to help house homeless people during the pandemic. “But CAPECO staff was just swamped dealing with all the flood victims and all the issues surrounding that,” she said. “But if I would spearhead it, we could see what we could do about getting people off the street.”

The Beaverton Severe Weather Shelter at the Beaverton Community Center normally closes in March but will remain

(continued on page 22)

utility bills to let residents know how they can receive food and other supplies. West said a local citizen who worked in one of the town’s restaurants that closed because of the pandemic volunteered to make hearty soups, freeze them in reusable containers and give them out at no cost each week. The containers each feed three adults.

“And, of course, our wonderful school nutritionist has made certain that there is a ‘grab and go’ lunch available at five different locations around our city daily and has even added a ‘breakfast bag’ for the children’s breakfast the next morning,” West added. “Our entire community has come together to help those who have been hardest hit by the COVID-19 pandemic.”

Yachats Mayor W. John Moore noted that when some of the coastal town’s restaurants were forced to close, they donated their perishable food to residents. The Yachats Presbyterian Church stepped up its food pantry and created an emergency fund to support residents who have been laid off, with a priority on those who are not covered by unemployment insurance.

“The church started the fund a few days ago with \$5,000 seed money, and I understand it’s now over \$15,000 and growing,” Moore said in March.

Helping the Helpers

In Coos Bay, a sewing and vacuum repair shop called The Electric Hospital sewed more than 100 hospital gowns for the North Bend Medical Center. Co-owner Joe Niell told KCBY that his staff acted as the brawn behind his wife Maria’s brain.

“Maria would sew gowns together and then we all put the straps on. We spent a lot of hours just sitting around and running five sewing machines. We like our community and we want to

“They’re human beings. They’re people. I mean, it’s that simple.” – Pendleton Councilor Carole Innes



City of Beaverton provides shower trailers for residents.



ROGUE RIVER PD

March 25 at 9:56 AM · 🌐

To Our Rogue River Citizens:

As of midnight, March 24, 2020 the Governor's Executive Order – Stay Home, Save Lives was enacted. Knowing that our elderly citizens and those with serious underlying medical conditions are at a higher risk of COVID-19, our Police Department has teamed with Rays Food Place to assist our citizens who fall in the high risk category.

We are determined to protect our citizens from the further spread of Covid-19. Therefore, if you fall into the higher risk group and do not have family or friends able to assist you in getting basic needs, such as grocery shopping, please contact our department and we will assist you.

To contact us regarding this please phone our Department Office 541-582-4931 or you can private message via Facebook

<https://www.facebook.com/ROGUERIVERPD/>

Rogue River is a fantastic community and everyone will do the best they can to get through these extraordinary times. As always in regards to other issues please phone our non-emergency dispatch for Officer Contact 541-776-7206 and of course if it's an emergency dial 911.

Chief Whipple



Rogue River Police Chief Curtis Whipple reached out on Facebook to let seniors and people with pre-existing conditions know that police officers would help deliver essential supplies.

City of Tigard keeps their community informed of available resources.



City of Silverton's Silver Trolley, a dial-a-ride transportation service, continues to provide rides to residents who need to go to the grocery store and pick up prescriptions and other essential items.

open through the end of May, providing access to hygiene and sanitation facilities, healthcare screenings, and a place to eat breakfast and dinner, take a shower and spend the night.

A shower trailer was created and is maintained by Old Town Forest Grove and Community Connections. Meals are provided by Meals on Wheels, and the shelter's extended opening was made possible through the support of the city of Beaverton, Just Compassion of East Washington County, Community Action and Washington County.

"Beaverton is doing its part," said Mayor Denny Doyle. "We continue to look for new ways to support local businesses, residents who are struggling and community members in need. It's been inspiring to see the outpouring of support and positivity in our community. We are in this together, we will get through this and be stronger as a result."

Portland's Jupiter Hotel was among several shelter options available to people with no homes as the pandemic began in Oregon. It offered its 81 rooms to host homeless people who are sick and have respiratory symptoms but have not tested positive for the coronavirus, an official with the city-county Joint Office of Homeless Services told *Willamette Week*.

"Slowing the spread of this virus has to be our highest priority, and I'm proud the Jupiter is standing with us," Multnomah County Chair Deborah Kafoury said in the March 26 article. "The county and its government partners worked tirelessly and quickly to convert public spaces into shelters for our most vulnerable community members. But we can't do this work alone. This is what it looks like when a community comes together."

"Hotel occupancy rates were plunging, and we had an underutilized asset, and the county had an oversized need," said Nick Pearson, the Jupiter Hotel's general manager. "Working together seemed like a no-brainer. The community is our shareholders."

Portland's Joint Office of Homeless Services also opened new shelter space at the Charles Jordan Community Center, the Oregon Convention Center and the East Portland Community Center.

Special Deliveries

Curtis Whipple, chief of the Rogue River Police Department, reached out via Facebook and "Trading Crows," a flier included with the city's water bills, to let seniors and people with pre-existing conditions know that police officers would help deliver essential supplies.

"We are determined to protect our citizens from the further spread of COVID-19. Therefore, if you fall into the higher-risk group and do not have family or friends able to assist you in getting basic needs, such as grocery shopping, please contact our department and we will assist you," he said, adding the department teamed with Rays Food Place to assist citizens. "Rogue



Lake Oswego Police Department was one of several police departments across the state to offer prescription delivery to seniors and medically compromised community members.

"We are in this together, we will get through this and be stronger as a result."

– Beaverton Mayor Denny Doyle

River is a fantastic community and everyone will do the best they can to get through these extraordinary times."

In late March, the Lake Oswego Police Department (LOPD) initiated a pilot program to deliver prescriptions to seniors and medically compromised people. The department, which offers the service from 8 a.m. to 3 p.m. Monday through Friday, modeled its program on the Forest Grove Police Department, according to the *Lake Oswego Review*.

During deliveries, police department employees wear personal protective equipment and follow physical distancing guidelines to avoid spreading the virus. The employees also wear official attire and carry identification, the LOPD said in a news release.

"We want to keep people at home and keep them safe," Sgt. Tom Hamann told the *Review*. "This is just a small way we could help with that."

The Portland Fire & Rescue Bureau has partnered with Multnomah County to pick up and deliver prescription medications to vulnerable adults aged 65 and older who have a serious pre-existing medical condition such as heart or lung disease, hypertension, diabetes or cancer. Through the "MEDS on WHEELS" outreach program, a team of two firefighters will deliver the medications to homes or homeless people from a safe distance,

touch base to make sure people are handling their isolation, and provide resources such as the “Senior Loneliness Line” to speak with a specialist, *OregonLive* reported.

Silverton’s Silver Trolley, a dial-a-ride transportation service, continues to provide rides to residents who need to go to the grocery store and pick up prescriptions and other essential items. In addition, the city has partnered with the YMCA to allow the homeless population to shower at the swimming pool even though the Day Center and the pool had to close to the public.

Restaurants, hard hit by COVID-19, focused on food deliveries and curbside pick-up orders to weather the pandemic. Through Dayton’s URBAN Program, residents and businesses can receive a rebate on their utility bills by supporting local restaurants. Those who order a \$25 curbside pickup or takeout order from any Dayton restaurant receive a \$15 credit on their utility bill. North Plains and other cities were implementing similar utility rebates and discounts for food purchases as well.

The city of Wilsonville’s “One Wilsonville” gift card purchase program is underway to support residents and local restaurants in need of financial relief. City employees are visiting local restaurants to purchase \$20,000 in gift cards in \$25 increments that will be routed to the community members in need via Wilsonville Community Sharing and the Wilsonville Police Department.

“Our staff and elected officials have been working concurrently on several programs to serve residents and business operators who are suffering financially,” said Wilsonville City Manager Bryan Cosgrove. “This one is unique in that it serves two groups with immediate need, and anyone in the community can join us in participating and supporting the Wilsonville community.”

City staff compiled a list of restaurants and other retailers currently operating, noting restaurants that are offering take-

out and/or gift cards. They encouraged residents to shop or buy take-out from local businesses, purchase gift cards for future use, and donate gift cards to friends, relatives, mentors, students, neighbors, teachers, fellow parishioners, colleagues, health care workers, store clerks and others. Donations placed in the city hall’s drive-thru utility bill drop will be distributed to Wilsonville Community Sharing.

Help Extends Beyond Oregon

Oregon shared its spirit of hope and help with other states as well as within local communities. Earlier this month, Governor Brown announced that the state was sending 140 ventilators to New York, an early epicenter for the pandemic in the U.S.

“New York needs more ventilators, and we are answering their call for help,” Brown said in early April via social media and news outlets. “We’ll be sending 140 ventilators to help NY because Oregon is in a better position right now. We must do all that we can to help those on the front lines of this response.”

New York’s Governor Andrew Cuomo tweeted in response: “We are so grateful to @OregonGovBrown and the people of Oregon. On behalf of the people of NY, I thank you and rest assured that NY will repay the favor when Oregon needs it.”

On April 13, Dr. Deborah Birx praised the governors of Oregon, Washington and California through national news outlets for their proactive response in ordering physical distancing to prevent the spread of COVID-19. Also that day, the governors of the three states announced an agreement to work together as a compact on a framework for reopening when the virus subsides. ■

Ms. Finnemore is a Portland-area freelance writer. Contact her at precisionpdx@comcast.net.



Governor Kate Brown sent 140 ventilators to New York, the state hardest hit by the Coronavirus pandemic.



Cities, Counties Support Small Business Owners through Emergency Grant, Loan Programs

By Mark Gharst and Melody Finnemore

After serving in the U.S. Army for 23 years as a helicopter pilot, Chris Reese retired as a colonel and invested his savings to open three restaurants over three years. Reese is the owner of Southpaw's Pizza & Sports Bar and Major League Burgers in Albany, and in December opened a second sports bar in Eugene.

And then, just a few months later, COVID-19 hit. Reese, who prides his restaurants for serving as a platform to teach business and professional development skills to high school and college students, had to cut his staff from 125 employees to about 45. He was able to provide curbside pick-up and delivery service to some locations from the Albany restaurants, but the Eugene restaurant had to shut down until some changes could be made to protect employees and customers.

"It was hugely significant. We basically had to reformat our entire kitchen operation and create an entirely different flow to stay open," he said, adding his employees needed specialized training in how to properly wear sanitary equipment and abide by revised procedures and equipment for walk-up and drive-up orders.

Reese, who often sponsors local youth sports teams, turned to Community Lending Works' small business emergency loan fund for help. The funding he received was the safety net he needed to pay past-due bills and prepare for the coming months.

"Literally, I had tears in my eyes. I was talking to my lawyer about whether I should file for bankruptcy and it was pretty overwhelming. I didn't want to lose my life savings," he said. "I can't tell you how appreciative and elated I was to get the news from Community Lending Works. This may have just facilitated keeping the doors open until Labor Day and beyond."

Community Lending Works partnered with the city of Albany to establish the emergency loan fund, with Albany committing \$200,000 to seed it. Eligible businesses include those with 40 or fewer employees and loans are up to \$15,000 at 2% interest with no payments for the first six months.

Community Lending Works also partnered with Lane County and the cities of Springfield and Eugene to provide loans of up to \$30,000 at 2% interest with no payments for the first six months for businesses located in Lane County with 20 or fewer full-time employees.

Hillsboro Mayor Steve Callaway said his city used its general fund and reserves to issue more than 400 grants at an average of \$3,000 each to small businesses, with about 75% of them owned by minorities and women and 15 businesses owned by veterans. He noted that the grants were intended to "help keep the lights on" until federal relief checks arrived.

"That was a commitment we made because our businesses, especially our small businesses, are always there to serve our community and this was a way we could serve our small businesses in

return,” he said. “They give and give in so many ways and this was just a wonderful opportunity, albeit none that any of us would have wished for, but an opportunity to show that loyalty goes in both directions.”

Cities and counties across the state are managing multiple struggles amid the pandemic, including lost revenue for local governments. However, as small businesses struggle to survive with the sudden loss of cashflow, cities are also providing several emergency loan and grant programs. The following is not a comprehensive list, but a snapshot of how cities are stepping up to support their business owners. Other programs are under consideration, and the LOC is working to secure state resources for cities to use towards these types of programs.

Beaverton dedicated \$250,000 in grants through its Emergency Business Assistance program, through which businesses that were ordered to close because of the pandemic can apply for \$2,500 per month in commercial rent or mortgage reimbursement while the city is in a declared state of emergency.

Forest Grove awarded grants to local businesses with 25 employees or less to pay their rent or mortgage for the month of April. Individual grants were up to a maximum of \$2,500 per business, and a total of \$100,000 was appropriated for the program.

Grants Pass adopted the COVID-19 Emergency Grants Assistance and Recovery Program to provide immediate funds to small local business owners to cover ongoing expenses during the state’s “Stay at Home, Save Lives” mandate.

Gresham developed its Small Business Emergency Grant Program, which offered one-time grants in the amount of \$1,000 per employee up to a maximum of \$10,000 per business. The city originally dedicated \$400,000 to the program, and followed up with an additional \$400,000.

Hillsboro dedicated \$1 million in funding to its Small Business Emergency Relief Program. Businesses in Hillsboro can apply to receive a \$3,000 grant to offset losses associated with the pandemic. Priority is given to restaurants, bars, education facilities and businesses that serve large groups of people and have 10 or fewer employees.

Lake Oswego’s COVID-19 Business Assistance Grant Program has a \$250,000 budget and awards grants of up to \$2,500 per business based on the number of employees.

La Grande created an emergency loan program that made city general fund dollars available to fund a limited number of loans of up to \$10,000. Priority is given to businesses that provide essential services such as food, groceries and retail.

Milwaukie established a business relief fund to support small businesses with one-time grants of up to \$5,000 for working

capital expenses such as payroll, lease or commercial mortgage payments, utilities, insurance and inventory, among others. The total funding available is \$130,000, which is being allocated from the city’s Construction Excise Tax program.

Pendleton approved \$100,000 in funding for its emergency grant program to small businesses in the city’s urban renewal district. Eligible small businesses may qualify for a one-time \$2,000 grant. Awards will be granted through a lottery-style drawing of all qualified applicants.

Portland had \$190,000 for grants, including \$50,000 in private funds, in its Jade District-Old Town COVID-19 Small Business Response Fund. Priority was given to Asian- and Pacific Islander-owned businesses. The city also dedicated \$1 million to the Portland Small Business Relief Fund to provide grants and zero-interest loans.

Seaside approved a nearly \$1 million, three-part financial relief package for lodging operators, businesses and residents. The city’s share of lodging taxes for the first quarter of 2020 are waived, impacted businesses will receive grants of up to \$4,000, and property owners will see a one-time \$50 credit on water bills.

Sherwood launched a Small Business Emergency Relief Grant Program with an original allotment of \$100,000 that was doubled to \$200,000. Grants of \$2,125 were awarded to 94 businesses.

Tigard has \$300,000 in small business assistance through its Tigard CARES Program. The business assistance program provided seed funding to Community Development Financial Institutions (CDFI) to deliver a combination of microloans, loans, grants and business-advising services. The program’s goal is to leverage the city’s \$300,000 investment into \$700,000 in assistance to Tigard businesses. The city’s CDFI partners, Micro Enterprise Services of Oregon (MESO) and Craft3, will primarily assist traditionally underserved and underbanked entrepreneurs, including minority and women business owners.

Tualatin established an Economic Stabilization Fund offering grants up to \$10,000 for small businesses.

Wilsonville created a \$400,000 grant program using City Transient Lodging Tax and Urban Renewal Agency funds. The Wilsonville Small Business COVID-19 Relief Grants Program was set to award more than 150 grants ranging from \$1,000 to \$4,000 to eligible businesses with no more than 20 full-time employees. ■

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Ms. Finnemore is a Portland-area freelance writer. Contact her at precisionpdx@comcast.net.

“They give and give in so many ways and this was just a wonderful opportunity, albeit none that any of us would have wished for, but an opportunity to show that loyalty goes in both directions.”

– Hillsboro Mayor Steve Callaway

Coronavirus Resources

Governor's Order Provides Relief from Budget & Public Meeting Laws

On April 15, Governor Kate Brown issued [Executive Order 20-16](#) which provides greater flexibility for cities, counties and special districts that are currently working to construct and pass their 2020 fiscal year budgets. Without an approved budget, local governments would be unable to legally operate on July 1.

What does the executive order mean for cities? The LOC has created an [FAQ webpage](#) to answer the most common member inquiries regarding the executive order. Cities are strongly encouraged to review their own charters, municipal codes, ordinances, resolutions and rules of procedure to see how they intercept and interact with the executive order.

Get Answers to Your COVID-19 Questions in LOC's City Resource Center

Look here first!

The LOC's City Resource Center contains a wealth of information about the COVID-19 pandemic, sorted by topic, including:

- Business & Economic Development
- Community Engagement
- Emergency Declarations
- Employment
- Financial Resources
- Gas & Electric Utilities
- Housing & Homeless
- Public Meetings
- Public Safety
- Sample Policies & Documents
- Telecom/Broadband
- Water/Wastewater Providers

The Resource Center page also contains links to information from Governor Brown, the federal government, NLC, CIS, state agencies and other national organizations. The webpage is updated daily as information is released.

City Resource Center 

LOC Weekly COVID-19 Conference Calls for City Leaders



Join us every Friday at 10:05 a.m. as Executive Director Mike Cully hosts a statewide conference call for city leaders. Among the weekly presenters are staff from the governor's office, the Oregon Health Authority, the Oregon Office of Emergency Management and the National League of Cities. Guest presenters have included Senators Ron

Wyden and Jeff Merkley, White House Deputy Director of Intergovernmental Affairs William Crozer, representatives from the Small Business Administration and USDA Rural Development, and LOC Legislative Director Jim McCauley. Each call also allows time for Q&A with LOC members.

The call-in information is posted on the [LOC website](#) on Tuesdays and the audio of each call is posted Friday afternoons.

LOC Office Closed

Due to the ongoing health concerns from COVID-19, the LOC office is closed until further notice and all staff is teleworking. The entire LOC team continues to support our members using electronic communication, and will be utilizing teleconferencing tools to facilitate meetings. We're still here for you – contact us for information and resources via [phone or email](#).

Subscribe to LOC COVID-19 Updates

Get the latest Coronavirus information in your inbox, including invitations to the weekly conference call, legislative action alerts and breaking news. To subscribe, email loc@orcities.org.

THANK YOU FOR YOUR LEADERSHIP

During this time of crisis and uncertainty, we want to thank you, your team members and local first responders for keeping Oregon safe and cared for.

TOGETHER, WE CAN GET THROUGH THIS.

PGE is here to partner with you, your residents and your businesses through this difficult time. To help, we're:

- Temporarily suspending utility disconnects and late fees
- Offering payment options to help customers manage their bill
- Committing more than \$1,000,000 in funding to food insecurity, educational programs, small business support and other immediate needs in our region



To learn more about the ways we can partner, visit portlandgeneral.com/COVID19



citycounty insurance services
cisoregon.org

COVID-19 Leave Laws

Frequently Asked Questions

By Katie Kammer and Tamara E. Jones, CIS Pre-Loss Attorneys

In March, employers were hit with some new and complicated leave laws implemented by the U.S. Congress and the Oregon Legislature in response to COVID-19. Here's a quick summary of the new laws:

- **Emergency Family Medical Leave Expansion Act (EFMLEA)** — Eligible employees may take up to 12 weeks of paid leave due to the employee's child being unable to attend school or a childcare facility due to COVID-19 reasons. Effective April 1, 2020, until Dec. 31, 2020.
- **Emergency Paid Sick Leave Act (EPSLA)** — Full-time employees may take up to 80 hours of paid leave for a variety of qualifying reasons, all having to do with COVID-19 situations (discussed below). Part-time employees receive a pro-rated amount of EPSLA leave. Effective April 1, 2020, until Dec. 31, 2020.
- **Oregon Family Leave Act (OFLA)** — A new administrative rule provides eligible employees with 12 weeks of unpaid leave due to the employee's child being unable to attend school or a childcare facility due to COVID-19 reasons. Effective March 18, 2020, until Sept. 13, 2020.

CIS members interested in receiving a sample COVID-19 leave policy and other HR tools should visit the HR Toolbox, located on the [CIS web page](#). The following are some of the common questions CIS' Pre-Loss and Hire-to-Retire staff have been fielding in recent weeks from CIS members.

1. We're a small organization and OFLA and FMLA don't normally apply to us because of our size. Do we still have to provide leave under EFMLEA and EPSLA?

Yes, the EFMLEA and the EPSLA apply to all public agencies with one or more employees, so small cities will need to provide leave to eligible employees during the period in which these laws are effective (from April 1 to Dec. 31, 2020). If your

city is not used to providing protected leave, contact CIS Hire-to-Retire if you need help.

In late March, OFLA was also amended to temporarily allow OFLA-eligible employees to take school closure leave for a covered child. The new school closure leave under OFLA only applies to employers with 25 or more employees. If your city has less than 25 employees, you do not need to provide this type of leave.

2. So, which of my employees get to use these new leaves of absence?

Probably most of them. EPSLA is available to all employees, full-time or part-time, as of April 1, 2020. It doesn't matter if the employee has been with your organization for five days or five years — there's no "length of employment" requirement. EFMLEA is available to all employees who, as of April 1, 2020, have worked for your organization for 30 calendar days *unless* they have previously used FMLA leave (discussed below). The new OFLA leave is available to anyone who has met the eligibility requirements under that law (worked an average of 25 hours per week in the 180 days leading up to the leave start; not available to employees who have used OFLA leave in the same year).

3. For what reasons do we need to give leave?

Under the EPSLA, an employee can take leave for six reasons:

- a. To comply with a federal, Oregon or local quarantine or isolation order related to COVID-19;
- b. To self-quarantine, if the employee has been advised to do so by a health care provider, due to concerns related to COVID-19;
- c. To obtain a medical diagnosis or treatment if the employee is experiencing symptoms of COVID-19;

- d. To care for an individual subject to a federal, Oregon or local quarantine or isolation order related to COVID-19, or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; and
- e. To care for a substantially similar condition, as determined by the U.S. Secretary of Health and Human Services at any point between April 1, 2020, and Dec. 31, 2020.

Both the EPSLA and the EFMLEA also allow an employee to take leave for an employee's son or daughter if the son or daughter's school, childcare provider or place of care has been closed or is unavailable due to COVID-19-related issues. Note that the definition of a covered child is slightly different under the federal and Oregon leave laws. Consult with CIS' Pre-Loss or Hire-to-Retire staff or your organization's attorney for more information.

4. One of our employees wants to take time off under EPSLA and EFMLEA because her children's school closed. But she's already taken 12 weeks off this year because she needed to care for her father. Is she still entitled to leave?

The employee would be eligible for up to 80 hours of EPSLA leave (if she is a full-time employee), but she would not be eligible for EFMLEA leave and she would not be eligible for OFLA leave. The U.S. Department of Labor made it clear that the leave available under EFMLEA was not an additional 12 weeks of leave under FMLA, and nothing in the new OFLA administrative rule changed the eligibility requirements, either.

5. Our employee wants to take leave to care for their adult roommate who is not a relative. Does this leave cover that situation?

Yes. EPSLA leave is available for a much broader group than we as employers are used to under FMLA, OFLA, or even Oregon Sick Time. The EPSLA says that an employee may take leave to care for an employee's immediate family member, but also for any person who regularly resides in the employee's home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she were quarantined or self-quarantined.

6. My employee hasn't been diagnosed with COVID-19 and hasn't told us that he's been around anyone who has. Do I still have to provide him with leave?

Possibly. One of the EPSLA reasons allows an employee to take time off if the employee's health care provider has "concerns" about that employee getting exposed to the novel coronavirus. There is no requirement for the employee to have a COVID-19 diagnosis for this type of EPSLA leave, or to prove that he/she was around someone who was diagnosed with COVID-19.

(continued on page 30)



**IN A LIVABLE COMMUNITY
PEOPLE OF ALL AGES CAN
MAKE THEIR TOWN, CITY
OR NEIGHBORHOOD A
LIFELONG HOME.**



Thank you for making your community
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7. Governor Brown issued a “stay at home” order in March. Doesn’t that mean that all employees are entitled to EPSLA leave under the first reason listed in Question 3?

Not exactly. Oregon’s Executive Order 20-12 did not close all businesses, only those where social distancing is not practical due to the nature of the business. Businesses not explicitly closed by the order can stay open if they implement social distancing or provide telecommuting, if possible. Cities and other local government employers fall into this category of businesses that can stay open and continue to operate during the “Stay Home, Stay Healthy” order. Therefore, city employees are not eligible for leave under this part of the law at this time.

8. I understand that our organization can choose to exempt emergency responders under the EFMLEA and the EPSLA. How do we determine who is an emergency responder?

The U.S. Department of Labor released regulations on April 1, 2020, that provide a definition for “emergency responders” under the law. (Health care providers may also be excluded and are also defined in the regulations.) Under the regulations, an emergency responder is anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19. The regulations give some helpful example positions, many of which are regularly found in cities, such as law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 9-1-1 operators, and public works personnel. The regulations say that emergency responders may also include employees with “skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency.” An employee who installs and maintains internet infrastructure, for instance, could arguably fit into this definition.

If you need help determining if a particular position within your organization qualifies as an emergency responder, contact your city attorney or CIS Hire-to-Retire.

Recognizing that emergency responders may need leave despite the crucial nature of their positions, some entities are adopting policies that only partially exempt emergency responders from leave eligibility. For instance, a city could develop a policy stating that emergency responders are eligible for EPSLA if they or a family member gets sick with COVID-19, but are not eligible for time off to care for a child who is out of school under the EFMLEA. This is legal if the city clearly states the eligibility requirements in its policies.

Remember, if your city is large enough, an emergency responder employer may still be able to take OFLA or FMLA leave even if your policy exempts them from EPSLA leave. For instance, a firefighter who contracts COVID-19 would be able to take OFLA or FMLA leave to recover from this serious health condition (as long as she meets OFLA’s length of service and hours

worked requirements), even if the city had explicitly excluded fire fighters from EPSLA leave in its policy.

9. Do we have to allow our emergency responder to take leave under OFLA to care for a child who is out of school, even if their spouse is available to care for the child?

The EPSLA and the EFMLEA both state that an employee is entitled to school closure leave when there is no other suitable person available to care for the child. Therefore, if an employee’s spouse is available to care for the child, the employee would not be entitled to leave under the new federal laws. However, OFLA does not contain such limiting language, and OFLA’s new School Closure leave is available regardless of whether there is another suitable person available to provide the care. Unlike some other employment laws, there is also no undue hardship exception for OFLA — if an employee meets the OFLA eligibility requirements, you cannot refuse leave because it would create a serious burden on your organization.

If your employee requests this leave and it would be very difficult on your organization, try explaining your city’s limitations to the employee. Try to determine if there is some arrangement that can work for both the city and the employee. OFLA School Closure leave may be taken intermittently. Try to determine if there is an intermittent leave schedule that would help the employee and their family, but also allow the city’s needs to still be met. And finally, remind the employee seeking leave that OFLA School Closure leave is unpaid and will use up leave

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that they might need for other OFLA-related reasons later in the leave year. If you need advice on how to have this conversation, contact CIS Hire-to-Retire.

10. Our employee is experiencing potential symptoms of COVID-19, but was told by their doctor to stay at home and self-isolate. This conversation happened over the phone, and the employee did not get a doctor's note. How do we verify their need for leave to self-isolate?

This is a very frequent situation given that most health care providers are very busy and discouraging patients from coming into the clinic unless their symptoms are very serious. The U.S. Department of Labor's regulations addressed this issue by setting a very low standard for what verification is required from an employee requesting leave. For most types of leave, an employee need only provide a few things:

- a. The employee's name;
- b. The date(s) for which leave is requested;
- c. The qualifying reason for the leave;
- d. An oral or written statement that the employee is unable to work because of the qualified reason for leave; and,
- e. For a sick employee the name of the health care provider who advised the employee to self-quarantine due to concerns related to COVID-19.

This is very different than what employers are used to in terms of requesting certification under OFLA or FMLA. It is very unlikely that an employer would end up denying a request for leave for lack of documentation. ■



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Additional Resources from CIS



► COVID-19 Online Preparedness Course

CIS is offering more information about this important health issue by offering a free [30-minute preparedness course](#) available through June 9, 2020. This course describes workplace preparedness — as well as symptoms and how to care for someone at home (if a family member contracts the virus).

► Coronavirus Workplace FAQ

CIS answers some of the [most common questions](#) about the practical implications of the pandemic on local government employers.

► Guidance on Coverage and Risk Management Requirements for Shelters

Operating a shelter brings about new risks, and during this health emergency CIS helps manage its members' risk exposure. [This guidance](#) includes sample contractual language and a list of exposures requiring a risk management plan.

► CIS Creates 2020 Rapid Renew

Due to the challenges facing members as a result of the coronavirus, CIS is offering [2020 Rapid Renew](#), a streamlined renewal process, as an option. This program is only offered for the 2020 renewal.

► Commercial Insurance Market Snapshot

Since 2018, we've been experiencing a hardening of the commercial insurance market. But what does that mean to cities and counties — and how does it impact CIS? [This article](#) provides answers.

► CIS COVID-19 Resources Webpage

Visit CIS' [Coronavirus Resources webpage](#) for sample coronavirus-related information, including insurance-related questions, leave policies, employment law worksheets, public safety resources, preparedness tips, and much more. During this unprecedented time, CIS will grant access to nonmembers by [request](#).

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