

FILED
MIAMI COUNTY
JUVENILE COURT

IN THE COURT OF COMMON PLEAS OF MIAMI COUNTY, OHIO
JUVENILE/PROBATE DIVISIONS

2020 APR -7 AM 8:39

JUDGMENT ENTRY

SCOTT ALTENBURGER
JUDGE

NO. _____

ORDER IN RESPONSE TO THE COVID-19 (CORONAVIRUS)
PUBLIC HEALTH CRISIS

The Judge of the Court of Common Pleas of Miami County, Ohio, Juvenile/Probate Divisions makes the following Findings of Fact:

1. On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D "Declaring a State of Emergency" in response to the growing COVID-19 public health crisis.
2. On March 11, 2020, the World Health Organization officially declared COVID-19 to be a global "pandemic" requiring "urgent and aggressive action" to control the spread of the virus.
3. On March 13, 2020, President of the United States of America declared COVID-19 to be a National Emergency.
4. On March 16, 2020, this Court issued an Order that the Miami County Juvenile Court Employee Handbook and Security procedures may be temporarily amended or supplemented to maintain essential operational functions.
5. On March 18, 2020, The President of the United States of America signed into the law the Families First Coronavirus Response Act.(FFCRA)
6. Under the FFCRA, Health Care Providers and Emergency Responders may be excluded from receiving any benefits under the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion.
7. West Central Juvenile Rehabilitation Center is a 32 bed center that rehabilitates boys that have been adjudicated with serious offenses. This Center is a secured facility which operates 24 hours a day, seven days a week. All employees of the center are necessary to provide services to the youth secured therein.
8. West Central Juvenile Detention Center is a 44 bed center that holds youth, both boys and girls, awaiting disposition on juvenile court charges or severing a juvenile court dispositional order. This Center is a secured facility which operates 24 hours a day, seven days a week. All employees of the center are necessary to provide services to the youth secured therein.

9. Miami County Juvenile Court Probation Department – Supervises all youth on probation in Miami County as well as consults with law enforcement on the detention of Miami County youth and check on youth at their homes to make sure court Orders are followed. All Miami County Juvenile Court Probation Officers are necessary to provide these services.
10. All employees of West Central Juvenile Rehabilitation Center, West Central Juvenile Detention Center and Miami County Juvenile Court Probation Department are Miami County employees, as well as Miami County Juvenile Court employees.
11. The Court finds that in order to provide for the safety of juveniles residing in West Central Juvenile Detention and Rehabilitation Centers and for the continued operation of those centers, that all staff that work with youth at these two facilities are deemed to be Emergency Responders.
12. The Court finds that in order to provide for the safety of juveniles within Miami County that all Miami County Juvenile Court Probation Officers are deemed to be Emergency Responders.
13. The Court finds that in order to provide for the safety of juveniles and as personal/policymaking staff of the Miami County Juvenile/Probate Judge that Miami County Court Administrator, Judicial Assistant/Fiscal Analyst, Chief Deputy Clerks Juvenile/Probate Courts, Magistrates and Chief Probation Officer are excluded from FMLA, and therefore excluded from extended FMLA.

Based upon these Findings of Fact, the Juvenile/Probate Divisions of the Court of Common Pleas has developed a continuum of flexible responses in case the public health crisis escalates or increases in size or scope. The continuum of responses is intended to provide for the continued operation of West Central Juvenile Rehabilitation Center and West Central Juvenile Detention Center and Miami County Juvenile Court Probation Department.

THEREFORE, IT IS HEREBY ORDERED:

1. That all staff of West Central Juvenile Rehabilitation Center, West Central Juvenile Detention Center and Miami County Juvenile Court Probation Officers designated as Emergency Responders are excluded from certain provisions of the Families First Coronavirus Response Act, including Emergency Paid Sick Leave Act and Emergency Family and Medical Leave Expansion.
2. That all staff of West Central Juvenile Rehabilitation Center, West Central Juvenile Detention Center and Miami County Juvenile Court Probation Officers designated as Emergency Responders will not be eligible for the child care provisions under the expanded FMLA provisions of the Families First Coronavirus Response Act.
3. As personal/policymaking staff of the Miami County Juvenile/Probate Judge the Miami County Court Administrator, Judicial Assistant/Fiscal Analyst, Chief Deputy Clerks Juvenile/Probate Courts, Magistrates and Chief Probation Officer are excluded from FMLA, and therefore excluded from extended FMLA.
4. It is the intention of the Judge of the Court of Common Pleas of Miami County, Ohio Juvenile/Probate Divisions to remain open and maintain essential court operations and functions, subject to further Orders of the Court.

5. The Juvenile/Probate Divisions Local Rules of Court may be temporarily adapted to allow Court flexibility, within Constitutional limits, in response to the public health emergency.
6. The Juvenile/Probate Divisions and West Central Juvenile Detention Center and West Central Juvenile Rehabilitation Centers security policies may be temporarily amended or supplemented to protect public health while maintaining essential functions.
7. The Juvenile/Probate Divisions Employee Handbook and West Central Juvenile Detention Center and West Central Juvenile Rehabilitation Centers provisions may be temporarily adjusted to maintain essential court operations and functions.
8. The Juvenile/Probate Divisions and West Central Juvenile Detention Center and West Central Juvenile Rehabilitation Centers authorize the use of audiovisual devices and technologies for all court actions and court proceedings.
9. The public health emergency may be considered to be a finding of good cause for continuances deemed necessary by assigned Judge/Magistrates on a case-by-case basis.
10. The Court will have the lawful authority, within constitutional limits, to do and direct to be done all things necessary to ensure the orderly and efficient administration of justice for the duration of the declared public health emergency.
11. The Court understanding the impact that this Order may have on certain staff, is amending the current sick leave policy to allow for two weeks (10 days) of administrative leave pay for those employees excluded under FFCRA:

The employee's own issues [at 100% of daily rate of pay for two weeks/10 days]:

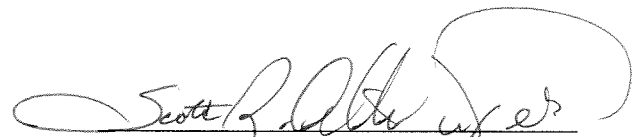
- i. Is subject to a COVID-19 related quarantine/isolation order.
- ii. Has been advised by healthcare provider to self-quarantine for COVID-19 related reasons.
- iii. Has symptoms of COVID-19, and is seeking a diagnosis.

The employee is caring for others [at 67% of daily rate of pay for two weeks/10 days]

1. Is caring for someone that has been quarantined, or advised to quarantine/self-isolate or has symptoms of COVID-19
2. Is caring for their own child whose school or day care is closed or is unavailable due to COVID-19 related reasons.
3. Persons performing care for someone else, will receive paid at 67% of regular pay for the two weeks (10 days)
4. The Court strongly encourages individuals to use these 10 days to find other alternatives for providing care. The Ohio Department of Jobs and Family Services is certifying child care agencies for those essential employees still required to work.

This employer-provided administrative leave will no longer be provided and will disappear after December 31, 2020; it does not roll over; it does not get paid if unused; is subject to change as needs change or the law changes or is amended.

IT IS SO ORDERED.


 SCOTT ALTENBURGER, JUDGE

cc: Miami County Commissioners

West Central Juvenile Detention Center
West Central Juvenile Rehabilitation Center
Miami County Prosecutor's Office
Autumn White, Miami County Prosecutor's Office
Public Defender's Office
C.A.S.A.
Miami County C.S.E.A.
Miami County C.P.S.
Miami County Juvenile/Probate Court Employees
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