



MINUTES

Special Board Meeting - Zoom

5:00 PM - Monday, January 10, 2022

Video-Teleconference

The Frankfort Plant Board met in Special Board Meeting - Zoom on Monday, January 10, 2022 at 5:00 PM in the Video-Teleconference.

ATTENDANCE:

Stephen Mason, Board Secretary/Treasurer
John Cubine, Board Chair
John Snyder, Board Vice Chair
Kathryn Dutton-Mitchell, Board Member
Jason Delambre, Board Member
David Billings, Director of Water Operations
Harvey Couch, Marketing Video Content Coordinator
Katrina Cummins, Finance Director
David Denton, Chief Financial Officer
Vent Foster, Chief Operations Officer
Cassie Estill, Customer Service Supervisor
Adam Hellard, Cable/Telecom Superintendent
Ryan Henry, Assistant IT Director
Scott Hudson, Electric Superintendent
Casey Jones, IT Director
Cathy Lindsey, Communications & Marketing Director
Kathy Poe, Executive Assistant to GM
Hance Price, Assistant GM Administration/Staff Attorney
Kim Phillips, Safety Director
Leigh Ann Phillips, Support Services Director
Julie Roney, Water Treatment Superintendent
Scott Stafford, Media Services Manager
Deron Rambo, Network Operations Center Director
Travis McCullar, Chief Electric Engineer
Jennifer Hellard, Purchasing Agent
Gary Zheng, General Manager
Nichell Brown, Human Resource Director
David Columbia, Community Television Coordinator
Danny Harring, Asst. Water Distribution Superintendent
JC Lyons, Interim Safety Director
Shane Holt, Asst. Cable/Telecom Superintendent
State Journal

1 NOTICE OF VIDEO TELECONFERENCE

1.1 Notice of Special Board Meeting via Video-Teleconference.

2 ACTION ITEMS:

2.1 Consider Approval of Covid Vaccination and Testing Policy in Compliance with OSHA ETS.

On November 4, 2021, OSHA issued its ETS on COVID that requires employers with 100 or more employees to ensure employees are either fully vaccinated or subject to COVID testing at least once every 7 days. The rule is expected to impact an estimated 84 million workers. The ETS remains in effect until May 5, 2022 and may become a permanent standard.

There have been several lawsuits challenging the rule and the U.S Supreme Court has upheld it. The rule requires implementation of a policy and communication to employees by January 10, 2022 and by February 9, 2022 employees that are not 100% remote must be vaccinated or submit to weekly COVID testing. Employers must consider whether those with medical and religious exemption requests can be reasonably accommodated.

There are 2 policy choices – i) mandate vaccination except for those with medical conditions or who are entitled to reasonable accommodation under federal EEO law based on a sincerely held religious belief OR ii) require unvaccinated employees (including exempted employees) to undergo weekly testing and wear face coverings while working. Employers may adopt different policies for different portions of their workforce.

Employers must prove vaccination status with one of 5 acceptable documents (i.e. vax card) and may accept an attestation if these are not available. However, previous COVID-19 infection is not a basis for exemption under the rule. Employers provide up to 4 hours of paid time off at the regular rate to receive each primary dose (not boosters) if received during working hours. The rule also requires reasonable paid sick time for side effects (up to 2 days per dose to recover). This time may run concurrently with existing sick leave, but not vacation. If no sick time is available, then the employer must provide additional reasonable paid time for recovery.

Employers must mandate testing for unvaccinated workers including those who are excused from vaccination because of medical or religious reasons. However, employers should not test unvaccinated employees who have been infected with COVID within the past 90 days since there is a high chance that the individual will continue to test positive even when no longer contagious. Significantly, the testing must be proctored – an employee cannot simply take a home test and report the results. Employees testing positive must be removed from the workplace as well as those employees that have not tested within the past week.

Unvaccinated employees must wear a mask while indoors as well as vaccinated employees working in areas with substantial or high transmission per CDC guidance.

FPB staff plan to meet with small employee groups in-person to provide the information required by the rule including: i) information about the ETS and its requirements, ii) information about vaccine efficacy, safety and benefits, iii) that there will be no discrimination for reporting workplace related injuries as has always been the case regarding OSHA matters, iv) that there are criminal penalties for falsifying records and v) provide a copy of the CDC information: "Key things to know about COVID" per the ETS' requirements.

Staff asks the Board to approve the proposed policy allowing for weekly testing or vaccinations and allow Staff and the GM to take the necessary steps to implement its requirements.

John Snyder moved to Approve this policy contingent on the Supreme Court not putting a halt to the OSHA mandate with the payment and testing language eliminated to be addressed at a later date, and the policy language regarding "Isolation Guideline" to remain consistent with the CDC. Stephen Mason seconded the motion.

CARRIED. 5 to 0.

3 ACTION ITEM: ADJOURNMENT

3.1 Adjourn Meeting.

Jason Delambre moved to Adjourn Meeting. Kathryn Dutton-Mitchell seconded the motion.

CARRIED. 5 to 0.



Board Chair



Board Secretary/Treasurer