

COLONIAL BEHAVIORAL HEALTH BOARD MEETING

TIME: 1:30 p.m.

DATE: August 28, 2020

Dr. Alfred Brassel, Chairman, called the meeting to order. For the record, this is a meeting of the CBH Board of Directors, being held by electronic means without a quorum being physically assembled in one place. This action was taken because of the health emergency resulting from the Coronavirus pandemic, making an assembly of the board and staff and members of the public in one place unsafe because of the highly contagious nature of the coronavirus pandemic.

BOARD MEMBERS PRESENT:

Dr. Alfred Brassel - York County
Mr. Ryan Ashe - James City County
Ms. Rebecca Vinroot - James City County
Mr. Bruce Keener - York County
Ms. Hazel Braxton - Williamsburg
Ms. Sheri Newcomb - York County
Ms. Wendy Evans - Williamsburg
Dr. Baljit Gill - York County
Mr. John Kuplinski - York County
Mr. Talbot Vivian - York County
Ms. June Hagee - James City County
Ms. Sherry Wharton - Poquoson

BOARD MEMBERS ABSENT:

Ms. Cindy Spitzer - Poquoson
Ms. Kristin Nelson - York County
Ms. Terry Christin - James City County

PUBLIC COMMENT:

None.

CONSENT CALENDAR:

The Consent Calendar was presented for approval of the following minutes:

1. Board of Directors Meeting of February 4, 2020
2. Executive Committee Meeting of February 18, 2020
3. Administration Committee Meeting of February 18, 2020
4. Public Awareness Committee Meeting of February 19, 2020
5. Board of Directors Meeting of June 2, 2020
6. Honoring Resolution – Outgoing Board Member M. Diggs
7. Board Committees and Legislative Team Appointments

Ms. Braxton motioned to approve the items on the Consent Calendar as presented. On a roll call vote, the vote was AYE: 12, NAY: 0.

STAFF PRESENT:

Mr. David Coe
Dr. Dan Longo
Ms. Kari Traver
Ms. Marsha Obremski
Ms. Nancy Shackelford
Ms. Debbie Townsend-Pittman
Mr. Keith German
Ms. Anita Michalec

GUEST:

Josh Rubin, HMA Consultant
Gail Mayeaux, HMA Consultant

Action Item A-1 was presented for approval of the CBH Furlough Policy. The policy was developed by Leadership during the earlier phases of the pandemic and is believed by Leadership to be effective for future events as they may occur (including possible Stay At Home orders related to resurgence of COVID-19). This policy has undergone legal review by the CBH attorney and is presented for final Board consideration. Discussion.

Mr. Vivian motioned to approve the CBH Furlough policy as presented. On a roll call vote, the vote was AYE: 12, NAY: 0.

Action Item A-2 was presented for approval of the CBH Reduction in Force Policy. A Reduction in Force Policy is designed to govern decisions/processes related to layoffs, and employee separations due to fiscal or programmatic changes. The guidance and structure provided by this policy will be both useful and protective of CBH in the days, months and years ahead. This policy has also undergone legal review from the CBH attorney.

Mr. Keener motioned to approve the CBH Reduction in Force Policy as presented. On a roll call vote, the vote was AYE: 12, NAY: 0

Action Item A-3 was presented for approval of the Extension of the CBH FY 2020 Approved Budget. Discussion.

Mr. Vivian motioned that the CBH FY 2020 Approved Budget be extended for FY 2021 through December 31, 2020; or until sufficient information is available to develop and approve the FY 2021 budget; whichever comes first. On a roll call vote, the vote was Aye: 12, NAY: 0

PRESENTATION: Health Management Associates (HMA) - G. Mayeaux/J. Rubin

Ms. Gail Mayeaux, and Joshua Rubin, HMA Consultants, provided a power point presentation and further information and details on contents of the Health Management Associates Report. This report was conducted to explore options for potential integrated care or co-location of two community-based regional organizations to provide primary care and behavioral healthcare services to residents of James City County, York County and Williamsburg. Discussion.

EXECUTIVE DIRECTOR'S REPORT:

The Executive Directors Report was provided in writing and distributed to Board Members.

Mr. Coe introduced Ms. Sherry Wharton. Ms. Wharton has been appointed to the CBH Board of Directors as a representative for the City of Poquoson.

Mr. Coe reported that notification was received from the IRS that "Friends of Integrated Community Healthcare", the foundation created to support our efforts related to integrated care has been granted tax-exempt status. The process was extensive and lengthier due to the pandemic, however; final notification was received in August.

It was noted that most CBH services continue to operate via Telehealth. However, plans have been developed for a gradual reopening to the public per CDC, Health Department, DBHDS Licensing

and DMAS guidance. However, plans are subject to change in adherence with guiding rules and regulations.

Mr. Coe stated that the next scheduled Board meeting is October 6, 2020 and moving forward meetings will resume on a monthly basis.

There being no further business to discuss, the meeting adjourned at 3:56 p.m.


Dr. Alfred Brassel, Chair


Dr. Baljit Gill, Secretary

AGENDA

COLONIAL BEHAVIORAL HEALTH BOARD MEETING

August 28, 2020
1:30 P.M.

- I. Welcome and Call to Order
- II. Public Comment
- III. Consent Calendar
 - Approval of Minutes – Consider approval of the following meeting minutes:
 - Board of Directors Meeting of February 4, 2020
 - Executive Committee Meeting of February 18, 2020
 - Administration Committee Meeting of February 18, 2020
 - Public Awareness Committee Meeting of February 19, 2020
 - Board of Directors Meeting of June 2, 2020
 - Honoring Resolution - Outgoing Board Member M. Diggs
 - Board Committees and Legislative Team Appointments
- IV. Action Items:
 - A-1 CBH Furlough Policy – *D. Coe*
 - A-2 CBH Reduction in Force Policy – *D. Coe*
 - A-3 Extension of CBH FY 2020 Approved Budget – *K. German*
- V. Presentation: Health Management Associates Report - *Gail Mayeaux & Joshua Rubin***
- VI. Executive Director's Report
- VII. Adjourn

**** Presentation scheduled to begin at 2:00 p.m**

The mission of Colonial Behavioral Health, the local Community Services Board, is to facilitate opportunities for recovery, resilience and wellness to individuals and families affected by mental illness, intellectual disabilities and substance use disorders. Through an array of strategies and collaborative partnerships with local and regional providers, CBH will demonstrate a commitment to quality assessment, prevention, treatment, and habilitation through best practice methodology for the citizens of James City County, City of Poquoson, City of Williamsburg and York County.

COLONIAL BEHAVIORAL HEALTH BOARD MEETING

TIME: 4:00 p.m.

PLACE: Colonial Behavioral Health, 473 McLaws Circle, Williamsburg, VA 23185

DATE: February 4, 2020

BOARD MEMBERS PRESENT:

Dr. Alfred Brassel - York County
Mr. John Kuplinski - York County
Ms. Rebecca Vinroot - James City County
Mr. Bruce Keener - York County
Ms. Hazel Braxton - Williamsburg
Ms. Teresa Christin – James City County
Ms. Wendy Evans - Williamsburg
Dr. Baljit Gill - York County
Ms. Kristen Nelson – York County
Mr. Talbot Vivian – York County
Ms. Mary Diggs – Poquoson
Ms. Cindy Spitzer - Poquoson

STAFF PRESENT:

Mr. David Coe
Dr. Dan Longo
Ms. Kari Traver
Ms. Marsha Obremski
Ms. Nancy Shackleford
Ms. Debbie Townsend-Pittman
Mr. Keith German
Ms. Anita Michalec
Ms. Michelle Lakins-Waller
Ms. Angela Parker

BOARD MEMBERS ABSENT:

Ms. June Hagee – James City County
Mr. Ryan Ashe – James City County
Ms. Sheri Newcomb – York County

PUBLIC COMMENT:

None.

EMPLOYEE RECOGNITION:

Ms. Angela Parker was recognized for attaining her 30 year anniversary of employment with Colonial Behavioral Health (CBH). The CBH Board of Directors extended appreciation to Ms. Parker for her ongoing commitment to the agency, clients, and localities served.

CONSENT CALENDAR:

The Consent Calendar was presented for approval of the following minutes:

1. Board of Directors Meeting of December 3, 2019
2. Executive Committee Meeting of December 17, 2019
3. Administration Committee Meeting of December 17, 2019

Mr. Kuplinski motioned to approve the items on the Consent Calendar as presented. Motion seconded and carried unanimously.

EXECUTIVE DIRECTOR'S REPORT:

The Executive Directors Report was provided in writing and distributed to Board Members.

Mr. Coe distributed a listing of GA member-submitted budget amendments recommended for support and a listing of bills recommended for support and/or opposition. This information was reviewed and further details and updates relating to their current status was provided. Board members were encouraged to contact their legislators according to their Legislative Team assignment. Talking points and further information will be distributed as requested. Discussion.

Mr. Coe reported that a CBH team of five and one CBH Board member attended the Integrated Care Academy in Knoxville, TN on January 30-31, 2020. Attendees included David Coe, Marsha Obremski, Nancy Shackleford, Sherry Burg, Nancy Parsons and Rebecca Vinroot. The training was held at Cherokee Health Systems, both a Federally Qualified Health Center and a Community Mental Health Center which provides training in Primary Behavioral Health Integrated Care. An overview and information relating to the training, the facility, programs and practices was presented. Discussion.

OTHER MATTERS OF THE BOARD:

Dr. Brassel reported that there are no urgent matters to be discussed at the March Board Meeting. Input was solicited as to the need to hold the meeting or to cancel. The decision was made by unanimous consent by the CBH Board of Directors to cancel the March 3, 2020 meeting.

There being no further business to discuss, the meeting adjourned at 5:25 p.m.


Dr. Alfred Brassel, Chair


Dr. Baljit Gill, Secretary



Meeting Minutes

Minutes of : Executive Committee Meeting Date: February 18, 2020

Present: Dr. Brassel, Hazel Braxton, John Kuplinski, Rebecca Vinroot, David Coe, Keith German, Nancy Shackleford, Anita Michalec

Absent: Dr. Gill

1. Call to Order – The meeting was called to order at 4:13 p.m.
2. Old Business
3. New Business

Review of House Appropriations and Senate Finance versions of the state budget: A spreadsheet was reviewed outlining budget actions taken by the General Assembly. CBH related items were discussed and Mr. Coe provided further details regarding the information presented. It was noted that this information would also be shared with the full Board. Discussion.

Board Member Attendance: Due to concerns regarding absenteeism at Board and committee meetings, there was discussion regarding the CBH Attendance Policy and the best mechanism for ongoing accountability. It was suggested that attendance records for all Board and Committee meetings be provided to the Board Chair on a quarterly basis for review and any action deemed appropriate.

Ms. Vinroot made the motion that attendance records for all Board and Committee meetings be provided to the Board Chair on a quarterly basis for review and any action deemed appropriate in accordance with guidelines as stated in the Attendance Policy. Ms. Braxton seconded, motion carried unanimously.

4. Adjournment - The meeting adjourned at 4:57 p.m.

Submitted by: A. Michalec

Next Meeting

Date: March 17, 2020

Time: 4:00 p.m.

Location: McLaws Board Room



Meeting Minutes

Minutes of : Administration Committee Meeting Date: February 18, 2020
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Present: Dr. Brassel, Rebecca Vinroot, John Kuplinski, Hazel Braxton, David Coe, Keith German, Nancy Shackleford, Anita Michalec

Absent: Dr. Gill

1. Call to Order – The meeting was called to order at 4:00 p.m.
2. Old Business
3. New Business
January 31, 2020 Board Financial Report: The January 31, 2020 Board Financial Report was presented and reviewed. Mr. German reported that new funds have been received this year which are not yet reflected in the budget. Fee revenue remains down although expenditures represent a surplus in personnel due to vacant positions; however, some of these positions are not revenue generating which is also a contributing factor to fees being somewhat lower. Discussion.

FY 21 Budget Update: Mr. German noted that the FY 21 Budget has been completed and will be presented at the March Committee meeting for review.
4. Conclusions, Recommendations, Actions
5. Adjournment – The meeting adjourned at 4:12 p.m.

Submitted by: A. Michalec

Next Meeting

Date: March 17, 2020
Time: 4:00 p.m.
Location: McLaws Board Room



Meeting Minutes

Minutes of : Public Awareness Committee Date: February 19, 2020
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Present: June Hagee, Bruce Keener, Kristen Nelson, Talbot Vivian, David Coe, Leigh Carroll-Stump

Absent: Cindy Spitzer, Kari Traver

1. Call to Order

The meeting was called to order at 3:32 p.m. with June Hagee, Bruce Keener, Kristen Nelson, and Talbot Vivian present.

2. Old Business

General Assembly Budget and Legislative Update

Mr. Coe shared with the committee a summary outlining the budget actions taken by the General Assembly to date, and reviewed Budget Amendment SB30-Item 320#7s and 320#12s.

Foundation Update

Mr. Coe updated the committee that the Foundation application was not received by the State Corporation Commission (SCC) due to technical issues with their online system. Patrick McDermott, CBH Attorney, has resubmitted the application and will follow-up with the SCC to ensure that it was received.

3. New Business

50th Anniversary Celebration

Mr. Coe informed the committee that CBH will celebrate its 50th Anniversary on January 5, 2021, and shared the 40th Anniversary Celebration events and a PowerPoint, detailing CBH's history. Mr. Vivian inquired what is the ultimate goal and audience for the 50th Anniversary celebration and if there is funding to support the efforts. Mr. Coe informed the committee that the Board could appropriate funding for the celebration and marketing efforts.

Committee members collectively stated the need to increase awareness of CBH and its services to the community. Mr. Keener suggested creating a video with testimonials from former staff, consumers, local government officials and community partners, as well as interviews with the press. Ms. Nelson suggested a fundraiser marking the announcement of the Foundation and possible ground breaking of a new campus.

Ms. Carroll-Stump, Development & Communication Manager, shared CBH marketing and outreach efforts to date and suggested that the anniversary celebration could span throughout 2021 rather than focus on a single event. The committee requested a marketing outline to plan out activities and events and build off of existing efforts.

4. Conclusions, Recommendations, Actions

Mr. Coe will send committee members the 40th Anniversary PowerPoint, the budget summary as well as a link to Virginia's Legislative Information System.

Ms. Carroll-Stump, will prepare a 50th Anniversary Celebration marketing outline for review at the March meeting.

5. Adjournment

The meeting was adjourned at 4:49 p.m.

Submitted by: Leigh Carroll-Stump

Next Meeting

Date: March 18, 2020

Time: 3:30 p.m.

Location: York-Poquoson Office

COLONIAL BEHAVIORAL HEALTH BOARD MEETING

TIME: 4:00 p.m.

DATE: June 2, 2020

Dr. Alfred Brassel, Chairman, called the meeting to order. For the record, this is a meeting of the CBH Board of Directors, being held by electronic means without a quorum being physically assembled in one place. This action was taken because of the health emergency resulting from the Coronavirus pandemic, making an assembly of the board and staff and members of the public in one place unsafe because of the highly contagious nature of the coronavirus pandemic.

BOARD MEMBERS PRESENT:

Dr. Alfred Brassel - York County
Mr. Ryan Ashe - James City County
Ms. Rebecca Vinroot - James City County
Mr. Bruce Keener - York County
Ms. Hazel Braxton - Williamsburg
Ms. Teresa Christin- James City County
Ms. Wendy Evans - Williamsburg
Dr. Baljit Gill - York County
Ms. Kristen Nelson - York County
Mr. Talbot Vivian - York County
Ms. June Hagee - James City County Ms.
Ms. Sheri Newcomb - York County

STAFF PRESENT:

Mr. David Coe
Dr. Dan Longo
Ms. Kari Traver
Ms. Marsha Obremski
Ms. Nancy Shackelford
Ms. Debbie Townsend-Pittman
Mr. Keith German
Ms. Anita Michalec

BOARD MEMBERS ABSENT:

Ms. Mary Diggs - Poquoson
Ms. Cindy Spitzer - Poquoson
John Kuplinski - York County

PUBLIC COMMENT:

None.

Action Item A-1 was presented upon the Nominating Committee's recommendation that the Board approve the Slate of officers presented for the FY 2021 year, with the term beginning on July 1, 2020:

PROPOSED SLATE OF OFFICERS:

Chair - Dr. Brassel
Vice-Chair- John Kuplinski
Secretary -Dr. Gill
Treasurer - Rebecca Vinroot
Member-At-Large - Hazel Braxton

Mr. Vivian motioned to accept the slate of officers as presented. On a roll call vote, the vote was AYE: 12, NAY: 0.

Action Item A-2 was presented for approval to extend the Fiscal Year 2020 Performance Contract for FY2021 through December 31, 2020. Discussion.

Ms. Braxton motioned to approve the extension of the Fiscal Year 2020 Performance Contract for FY 2021 through December 31, 2020. On a roll call vote, the vote was AYE: 12, NAY: 0.

Action Item A-3 was presented for approval of extending the CBH Fiscal Year 2020 Approved Budget through September 30, 2020. Discussion.

Ms. Vinroot motioned to approve that the Fiscal Year 2020 Approved Budget be extended for FY 2021 through September 30, 2020. On a roll call vote, the vote was AYE: 12, NAY: 0.

Action Item A-4 was presented for approval of the CBH Furlough Policy. The policy was developed by Leadership during the earlier phases of the pandemic, and is believed by Leadership to be effective for future events as they may occur (including possible Stay At Home orders related to resurgence of COVID-19). Discussion.

Mr. Vivian motioned to approve the CBH Furlough policy as presented. In addition, a new policy will be developed with broader language to be used on occasions when events such as natural disasters, public health emergencies or other major events can disrupt our local, state or national economies in dramatic ways. On a roll call vote, the vote was AYE: 12, NAY: 0.

Action Item A-5 was presented for approval of the CBH Reduction in Force Policy. A Reduction in Force Policy is designed to govern decisions/processes related to layoffs, and employee separations due to fiscal or programmatic changes. After further review and discussion, it was recommended that the current policy be reviewed by the agency's legal counsel and brought back to the Board of Directors for consideration.

Action Item A-6 was presented for approval of the CBH Business Continuity-Telework Policy. Colonial Behavioral Health has utilized a Telework Policy since 2017. However, that policy only addressed situations where telework was voluntary and mutually beneficial to CBH and the individual employee. The COVID-19 pandemic forced a new reality upon us; times when telework would become a necessity for continuity of service delivery, financial stability and operational integrity. No such policy exists for this reality, which we cannot presume will never repeat itself. Discussion.

Mr. Vivian motioned to approve the CBH Business Continuity-Telework Policy as presented. On a roll call vote, the vote was AYE: 12, NAY 0.

EXECUTIVE DIRECTOR'S REPORT:

The Executive Directors Report was provided in writing and distributed to Board Members.

Mr. Coe reported that Opportunities Unlimited reopened yesterday with six consumers in attendance. The number of individuals in the program that are able to attend is limited with transportation also a factor. As Virginia moves into Phase 2 which goes into effect Friday, June 5th, it is not yet known exactly how this will affect the agency. Reopening will likely mean different things for different programs. There are many factors to be taken into consideration and decisions will be made accordingly before a date for moving into Phase 2 can be determined. Discussion.

Mr. Coe noted that currently, the CBH Board Planning Day is still scheduled for July 17th. The City of Williamsburg will be hosting the meeting this year and the venue will be the Williamsburg Community Building.

CLOSED SESSION:

Ms. Braxton motioned that a closed meeting of the CBH Board of Directors be held as permitted under the Code of Virginia Section 2.2-3711 to discuss the following matter:

1. The annual performance evaluation of, and the Board's annual contract with, the CBH Executive Director

The motion was seconded by Mr. Vivian.

At 5:05 p.m., the Board entered Closed Session.

At 5:18 p.m., the Board reconvened into Open Session.

Dr. Brassel moved to certify the Closed Session. On a roll call vote, the vote was AYE: 12, NAY: 0.

CERTIFICATION OF CLOSED MEETING:

WHEREAS, the CBH Board of Directors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and WHEREAS, Section 2.2-37.12 of the Code of Virginia requires a certification by the Committee that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the CBH Board of Directors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the CBH Board of Directors.

There being no further business to discuss, the meeting adjourned at 5:20 p.m.


Dr. Alfred Brassel, Chair


Dr. Baljit Gill, Secretary

BOARD RESOLUTION

Honoring Mary Hunt Diggs

WHEREAS, Mary Hunt Diggs was appointed to the Colonial Behavioral Health Board of Directors by the York County Board of Supervisors on July 26, 2010; and

WHEREAS, since being appointed to the Board, Mary Diggs has established and built a reputation as a well-respected advocate for community-based services and the consumers served by Colonial Behavioral Health within the City of Poquoson, and

WHEREAS, committed to continually improving the Colonial Behavioral Health service system, Mary Diggs has served on internal and local committees and work groups related to public awareness, local government relations, service needs, and other areas; and

WHEREAS, Mary Diggs provided leadership from 2010-2020 as a member of Colonial Behavioral Health's Public Awareness Committee; and

WHEREAS, Mary Diggs provided leadership from 2013-2014 as a member of Colonial Behavioral Health's Administration Committee; and

WHEREAS, Mary Diggs provided leadership from 2013-2016 as a member of Colonial Behavioral Health's Executive Committee; and

WHEREAS, Mary Diggs assumed a leadership role in working to move Colonial Behavioral Health toward a vision of recovery and self-empowerment for consumers in all service areas; and

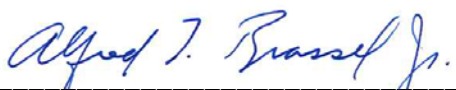
WHEREAS, Mary Diggs worked tirelessly and effectively to raise public awareness and understanding of Colonial Behavioral Health within the City of Poquoson; and

WHEREAS, Mary Diggs has given her time and immense talent as a member of the Colonial Behavioral Health Board of Directors; now, therefore, be it

RESOLVED by the Colonial Behavioral Health Board of Directors, That Colonial Behavioral Health commend and thank Mary Diggs for her distinguished service as an honored member of the Colonial Behavioral Health Board of Directors; and, be it

RESOLVED FURTHER, That the Executive Director of Colonial Behavioral Health prepare a copy of this resolution for presentation to Mary Hunt Diggs, as an expression of the Board of Directors' gratitude for her commitment to the residents of the City of Williamsburg, James City County, York County, and especially the City of Poquoson.

Approved and adopted the 28th day of August 2020. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Colonial Behavioral Health Board of Directors.



Chair, Colonial Behavioral Health Board of Directors

CBH Legislative Teams

FY 2020-2021

Senator Tommy Norment	Senator Monty Mason	Delegate Amanda Batten	Delegate Martha Mugler	Delegate Michael Mullin
John Kuplinski	Rebecca Vinroot	Dr. Brassel	Talbot Vivian	June Hagee
Kristen Nelson	Bruce Keener	Sheri Newcomb	Cindy Spitzer	Wendy Evans
Ryan Ashe	Hazel Braxton	Dr. Baljit Gill	Sherry Wharton	Terry Christin

CBH Board Committees

FY 2020-2021

Executive Committee	Administration Committee	Services & Evaluation Committee	Public Awareness Committee
Al Brassel, MD	Al Brassel, MD	Hazel Braxton	June Hagee
John Kuplinski	John Kuplinski	Sheri Newcomb	Bruce Keener
Rebecca Vinroot	Rebecca Vinroot	Teresa Christin	Cindy Spitzer
Baljit Gill, MD	Baljit Gill, MD	Wendy Evans	Kristin Nelson
Hazel Braxton		Ryan Ashe	Talbot Vivian
			Sherry Wharton

CBH Furlough Policy

Background:

Furloughs are, by nature, different than layoffs (otherwise known as “Reduction in Force”). Furloughs are defined as temporary assignment of staff to a mandatory leave without pay status; however, they are not intended to separate the affect individual(s) from employment. They function as a means to alleviate some budget pressure while maintaining our workforce in the best way available at the time.

The COVID-19 pandemic forced us to implement a small number of furloughs for the first time in our history. The policy presented for Board consideration was developed by Leadership to be effective for future events as they may occur (including possible Stay At Home orders related to resurgence of COVID-19).

This policy has been reviewed by York County staff for consistency with County payroll and benefit management practices. It has also undergone legal review by our CBH attorney, and is presented for final Board consideration.

Recommended Motion:

Approval of the CBH Furlough Policy.

Colonial Behavioral Health

Furlough Policy

Purpose.

There are rare occasions when events such as natural disasters, public health emergencies or other major events can disrupt our local, state or national economies in dramatic ways. Short-term disruption or interruption of business activity can easily lead to a substantial decline in available resources. In some cases, those impacts could be felt for weeks, months, or even years. Sound business strategies are required to navigate agency operations and finances during such times.

Furloughs are one tool CBH may use, in its sole discretion, to reduce expenditures in response to the economic impact of short-term business disruptions. Other tools may include elimination of expenses, cancellation of projects, a hiring freeze, and layoffs.

The purpose of this policy is to guide management's decision-making and administration of employee furloughs, and to provide a reference for employees describing how furloughs will be administered.

1. Definitions

- a. Exempt employee: an exemption from both the minimum wage and overtime requirements under the Fair Labor Standards Act, as provided in the FLSA. Exempt employees are commonly referred to as "salaried." They receive the same compensation per workweek regardless of the number of hours worked.
- b. FLSA: the federal Fair Labor Standards Act.
- c. Furlough: the placement of an employee in a temporary non-duty, non-pay status because of lack of work or funds, or other non-disciplinary reasons. A furlough includes a planned date for return-to-work or to reassess the furlough duration or status.
- d. Layoff: a loss of employment on a temporary or permanent basis. A layoff is a separation from CBH employment. A layoff may also be referred to as a "reduction in force."

- e. Nonexempt employee: an employee to whom both the minimum wage and overtime requirements of the Fair Labor Standards Act apply. Nonexempt employees are commonly referred to as “hourly” workers. Their compensation is measured by the number of hours they work each work week, and they earn overtime or compensatory time off under FLSA.

2. Furlough decisions.

It is the Agency’s right and responsibility to manage the affairs and operations of CBH. The decision to eliminate services or programs or to furlough or lay off personnel shall be determined by each Department Director, subject to final approval by the Executive Director. Furlough and layoff decisions are not grievable.

3. Criteria for determining which positions to furlough.

Department Directors and the Executive Director may consider the following non-exhaustive factors in making decisions regarding which positions or employees to furlough:

- Continuity of essential services of CBH;
- Continuity of internal support services that are essential to the continued delivery of essential services;
- Lack of work;
- Continuity of services required by law or for regulatory compliance;
- Source of funding for positions;
- Cost savings to the Agency;
- The feasibility of combining or restructuring positions temporarily.

Furloughs for exempt employees must be done in workweek increments, because any work performed by an exempt employee during a workweek triggers the employer’s obligation to pay the full salary for that workweek.

Reasons for selecting positions or employees to be furloughed will be documented by the Department Director and submitted to the Executive Director for review and consideration.

The final selection of a position or employee for furlough is within the sole discretion of the Executive Director.

4. No work to be performed while on furlough.

A furloughed employee may not perform any work of any kind for the Agency while in a furloughed status. This is an absolute ban on Agency work during the furlough period. The ban includes all

work activities including checking regular mail, voice mail, and email, telework, and on-call time. A furloughed employee may not volunteer to perform his or her job duties while on furlough.

5. Notice to furloughed employee.

When the Executive Director has approved a furlough, Human Resources will communicate with the affected employee as soon as possible, with as much advance notice as possible under the circumstances. Human Resources will explicitly inform the furloughed employee that they are not permitted to perform unpaid work or to perform any work of any kind during the furlough period.

Human Resources will arrange to collect the employee's CBH-issued property, such as identification badges, keys, mobile communication devices, laptops, and equipment or arrange for the return of this property to the Agency. Human Resources will also make arrangements for the employee to retrieve their personal property from the work location as promptly as possible. The employee will provide Human Resources with current contact information and keep this information up to date during the furlough period, for use in calling the employee to return to work.

The employee's Department Director or designee will communicate with the employee in order to close-out the employee's work in progress, by cancelling, rescheduling, or re-assigning scheduled meetings or tasks; forwarding the employee's work email or voice communications; preparing out of office messages; moving any data files to a network drive, etc. A furloughed

employee's access to CBH computer systems, financial assets, and facilities will be suspended for the furlough period upon request by the Department Director or his/her designee.

6. Employee compensation and benefits during period of furlough.

- a. Compensation: to the extent practical, the beginning and ending of a furlough period should coincide with the Agency payroll schedule, and the employee will be paid their regular rate of pay through the end of the pay period prior to the commencement of the furlough period. If not practical, nonexempt employees will receive compensation for all hours worked prior to the furlough period, and exempt employees will receive compensation through the end of the workweek in which they last performed work.
- b. Holidays: to the extent practical, a holiday should not be the first or last day of the period covered by a furlough. Employees who are on furlough are not eligible for holiday pay.
- c. Annual leave: furloughed employees do not accrue annual leave hours for pay periods during the furloughed status. Furloughed employees may not use annual leave to cover the furloughed period. Payout of the accrued annual leave balance is not available to furloughed employees. If the furloughed employee separates from Agency employment in good standing during the furlough period (e.g. voluntary resignation) the employee will be paid the accrued but unused annual leave or PTO balance per the provisions of the Personnel Policy.
- d. Sick leave: furloughed employees do not accrue sick leave hours for pay periods during the furloughed status. Furloughed employees may not use sick leave to cover the furloughed period. Payout of the accrued sick leave balance is not available to furloughed employees. Furloughed employees maintain their pre-existing sick leave balance during the furlough period, subject to the provisions of the Personnel Policy. If the furloughed employee separates from employment in good standing during the furlough period (e.g. voluntary resignation) the employee will be paid the accrued but unused sick leave balance per the provisions of the Personnel Policy.

- e. Medical insurance: In order to encourage furloughed employees to return to work after the furlough period is over, CBH will continue to provide the employer contribution for health insurance as long as the employee remains eligible for health benefits under the applicable benefit plan. Furloughed employees will be required to continue paying the employee share. Because the plan is obtained through the County of York, County Policy and Procedures will ultimately prevail over any conflict in this policy. In addition, plan documents govern all coverage.
- f. Dental insurance: In order to encourage furloughed employees to return to work after the furlough period is over, CBH will continue to provide the employer contribution for dental insurance as long as the employee remains eligible for dental benefits under the applicable benefit plan. Furloughed employees will be required to continue paying the employee share. Because the plan is obtained through the County of York, County Policy and Procedures will ultimately prevail over any conflict in this policy. In addition, plan documents govern all coverage.
- g. Compensatory leave: furloughed employees may not take compensatory leave during the furlough period.
- h. Civil leave (jury duty), bereavement leave, administrative leave, military or inclement weather leave: furloughed employees are not eligible for these types of leave during the furlough period.
- i. Family Medical Leave: the period of furlough does not count toward an employee's 12-week FMLA leave entitlement.
- j. Virginia Retirement System: furloughed employees remain members of VRS. They are on a leave without pay status for purposes of VRS benefits. Any furloughed employee with optional life insurance through VRS may retain this coverage by making premium payments. Because the plan is obtained through the County of York, County Policy and Procedures will ultimately prevail over any conflict in this policy. In addition, plan documents govern all coverage.
- k. Deferred compensation plan: furloughed employees are not eligible to make contributions to the deferred compensation plan.

- l. COBRA: If group health coverage is lost due to the furlough, the COBRA continuation coverage rules apply.
- m. Employee Assistance Program: furloughed employees are eligible for services under the EAP program.
- n. Worker's Compensation: a furloughed employee receiving Worker's Compensation benefits should inquire directly with Virginia Risk Sharing Association about the status of his or her benefits during the furlough period.
- o. Unemployment benefits: furloughed employees may be eligible for unemployment benefits and should apply to the Virginia Employment Commission for unemployment benefits during the furlough period.

7. Workplace behavior and demeanor rules.

Furloughed employees remain subject to the Personnel Policy, "Workplace behavior and demeanor" with respect to off-duty conduct that relates to their suitability for continued public employment in their job description. Furloughed employees may accept outside employment during the period covered by the furlough.

8. Return to work:

Placement of an employee in a furlough status indicates intent by management to recall the employee to work, but a return to work at the end of the furlough period is not guaranteed. The planned furlough may become a layoff (reduction in force).

Department Directors or their designees will communicate with furloughed employees at least seven (7) days in advance of their return to work date to confirm or revise return-to-work plans and make necessary arrangements to re-issue employee credentials, equipment, and access.

In the event a furloughed employee is laid off, the Agency will provide as much advance notice of the layoff as possible.

Department Directors may request that a furloughed worker return to work temporarily on short notice (less than seven days) if an emergency or unforeseen situation arises which requires supplemental personnel. However, the furloughed employee is not "on call" and no

adverse action will be taken if a furloughed employee is unable to return to work on short notice. Nonexempt (hourly) employees recalled to temporary work will be returned to a paid status, and paid their regular rate for all hours of work up to 40 in a workweek and time-and-a-half their regular rate for all hours worked in excess of 40 in a workweek. Exempt (salaried) employees recalled to temporary work will be paid their base weekly salary for the workweek in which the work occurred.

9. Supersedes policies to the contrary.

This policy supplements Personnel Policy #14, with any conflicts between the two policies resolved at the discretion of the Executive Director during a business disruption. The Executive Director may supplement or amend this policy from time to time as dictated by the circumstances of each business disruption.

CBH Reduction in Force Policy

Background

CBH has never employed a policy governing Reduction in Force; instead, we have used a procedural document dating back to 2008 on the occasions when such action has been required. However, it is recognized that the guidance of policy is needed.

A Reduction in Force policy is designed to govern decisions and processes related to what is commonly known as “layoffs,” where individuals are actually separated from CBH employment due to fiscal or programmatic changes requiring staff reductions.

It is not intended to govern processes already in use to avoid layoffs (reassignment or transfer to vacant positions, eliminating vacant positions, reduction through attrition, temporary furloughs, etc.).

We believe the guidance and structure provided by this policy will be both useful for and protective of CBH in the days, months and years ahead. It has also undergone review (with some edits) from our CBH attorney.

Recommended Motion

That the proposed CBH Reduction in Force Policy be approved.

Colonial Behavioral Health

Reduction in Force Policy

Purpose

Elimination or reduction of funding or work, reorganization or other changing business needs may result in the elimination of one or more staff positions through a layoff/reduction in force. Management has the sole right to determine staffing and operational needs without regard to the source of funding.

An employee selected for layoff will have his/her employment terminated from CBH upon the layoff/termination effective date. A non-probationary regular employee whose performance is at least satisfactory is eligible for recall rights and other layoff privileges for up to six (6) months following the layoff/termination effective date.

The Executive Director may supplement or amend this policy from time to time as dictated by business needs.

1. Definitions

- **Department**: A function or the several functions/programs and activities which are assigned to a staff member who reports to a Director.
- **Program**: A specific functional portion of a department which is assigned to an employee who is immediately and directly responsible for that departmental function. Such employees typically hold the position of either Coordinator or Manager.
- **Non-probationary**: the status of a regular employee who has completed the initial twelve (12) month probationary period.
- **Performance**: Determined by an employee's current performance documentation (within the last twelve [12] months). Unless there is a written record of unsatisfactory performance (for example, through informal or formal performance reviews or appraisals) or disciplinary action (for example, letter of

concern, written warning, disciplinary probation, or disciplinary suspension), performance will be deemed satisfactory.

- **Probationary:** The status of an employee who has not completed the initial twelve (12) month probationary period.

2. Determining Affected Employees

It is the Agency's right and responsibility to manage the affairs and operations of CBH. The decision to eliminate positions or lay off personnel shall be determined by each Department Director, subject to final approval by the Executive Director. Job elimination and layoff decisions are not grievable.

Determination of layoff will be based on each job classification within CBH affected by the reduction. While the general order of selection for layoff is outlined below, Directors will develop an operational plan, subject to final approval by the Executive Director, that ensures 1) operational integrity and 2) retention of qualified employees who can satisfactorily perform the remaining work and fulfill functions necessary to financially support CBH operations. In order to accomplish those outcomes, employees who might otherwise be retained may be selected for layoff; also, employees who might otherwise be selected for layoff may be retained.

Probation: An employee who has not completed the initial probationary period shall have his/her employment terminated and will be ineligible for recall rights or other layoff privileges.

Performance: A non-probationary employee initially is selected for layoff based on current performance; those with the lowest performance are generally the first to be laid off. A non-probationary employee selected for layoff is eligible for recall rights and other layoff privileges if performance is at least satisfactory.

Length of Service: In cases where two or more non-probationary employees have equivalent performance, those with the least continuous CBH service will generally be selected for layoff and are eligible for recall rights and other layoff privileges if performance is at least satisfactory.

Reasons for selecting positions or employees to be eliminated will be documented by the Department Director and submitted to the Executive Director for review and consideration. Prior to making final selections, CBH will review the list of employees selected for layoff to determine if an adverse (disparate) impact exists for a protected class. This is to assure compliance with all federal non-discrimination laws enforced by the Equal Employment Opportunity Commission (EEOC), and with applicable Virginia non-discrimination legislation. The final selection of a position or employee for layoff is within the sole discretion of the Executive Director.

3. Layoff Notification

The employee will be informed of the elimination or reduction of the position in writing. Non-probationary employees will receive a written layoff notification in a Layoff Notification Memo. The employee will receive at least a thirty (30) calendar-day notice whenever feasible. A probationary employee may be terminated during the initial probation period at any time, although it is a courtesy to provide advance notice whenever feasible.

Notice includes (1) the reason for the layoff, (2) the layoff/termination effective date, (3) the employee's current performance to document eligibility for layoff privileges, and (4) reference to this policy. A copy of the layoff notification memo will be placed in the employee's personnel record.

The employee will be paid for accumulated vacation hours in a lump sum, within limits established in the CBH Personnel Policy. When business needs dictate, the employee may be required to use some or all accumulated vacation prior to the layoff/termination effective date. Paid vacation and sick time accruals do not continue and cannot be used after the layoff/termination effective date.

Human Resources will provide support to the selected employees in order to assist with transition to other employment, retirement, and/or other options as appropriate. Human

Resources will also assist the employee to resolve separation-related benefit questions. Separated employees may be eligible for unemployment benefits and should apply for unemployment benefits through the Virginia Employment Commission.

4. Recall and Re-employment

A non-probationary employee with at least satisfactory performance is eligible for recall rights for up to six (6) months following the layoff/termination effective date. Should the position become available, an individual with recall rights must be rehired, without recruitment, to the same position in the same job classification and within the same department or departmental program as the layoff occurred. Rehire through a recall is contingent upon successful completion of pre-employment screening. Recall offers are initiated by a written notice from the Executive Director to the former employee's last address on record. Recall offer notices should list a date by which the former employee must contact Human Resources in order to secure the position through recall.

5. Layoff Privileges

Employees (non-probationary and transfer/promotion probationary) whose performance is at least satisfactory are provided layoff privileges for up to six (6) months following their layoff/termination effective date. Those privileges are:

- Temporary CBH employment (ineligible for full benefits) may be accepted without jeopardizing layoff privileges.
- The laid-off employee may compete for CBH employment openings as an internal candidate.

No layoff privileges are intended to create an employment relationship or right to reemployment. An affected employee's layoff privileges will cease immediately upon the earliest of (1) securing a CBH position that is eligible for full benefits, (2) non-response to a recall notice or refusal of a recall position, or (3) at the end of six (6) months following the layoff/termination effective date. These privileges may be

modified or revoked at any time by the Executive Director & Director of Human Resources.

6. Insurance Coverage and Retirement

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), an affected employee may continue any or all existing group medical, dental, and vision insurance coverage and health-care flexible spending account elections after layoff/termination. Life insurance conversion options may also be available.

Retirement service credits do not accrue after the layoff/termination effective date. An employee who has left CBH service may contact the Virginia Retirement System for information regarding account access/maintenance options.

Extension of FY 2020 Approved Budget

Background:

Many of the conditions prompting CBH to extend the Approved Budget for FY 2021 continue as the same vein as in June 2020.

The COVID-19 Pandemic continues to result in disruptive changes for public budgeting plans and processes. Local government contributions that were on track to be increased for the FY 2021 fiscal year were reduced. State government is reportedly preparing budget reduction plans, although no details are available. Plans for the state Performance Contract currently call for an addendum to be issued to extend through calendar year 2020, midway through FY 2021. The potential for disruptions in operations related to payer telehealth flexibility makes projection of fee revenues unusually challenging. The General Assembly has only recently made specific changes to state funding levels, and those changes will take some time to sort out at the local level. In short, financial information to prepare a new and reliable FY 2021 budget is unavailable at present.

Staff recommends that the current FY 2020 budget be extended deeper into FY 2021, until such time as financial information is sufficiently available to prepare a full FY 2021 budget. An extended timeframe through December 31, 2020 is proposed. The original FY 2020 Proposed Budget documents are presented as a reminder of the current approved budget in place.

Recommended Motion:

That the Fiscal Year 2020 Approved Budget be extended for FY 2021 through

- December 31, 2020; or
- Until sufficient information is available to develop and approve the FY 2021 budget;
- Whichever comes first.

COLONIAL BEHAVIORAL HEALTH
FY 2020
APPROVED BUDGET

REVENUE & EXPENDITURE SUMMARY

REVENUE CATEGORY	BUDGETED AMOUNT		INCR / (DECR)	
	ORIGINAL FY 2019	APPROVED FY 2020	\$	%
STATE / FED	\$ 7,825,069	\$ 7,807,322	\$ (17,747)	(0.2%)
LOCAL	\$ 2,848,768	\$ 3,050,000	\$ 201,232	7.1%
FEES	\$ 6,232,081	\$ 6,027,580	\$ (204,501)	(3.3%)
MISCELLANEOUS	\$ 831,569	\$ 766,421	\$ (65,148)	(7.8%)
TOTAL REVENUE	\$ 17,737,487	\$ 17,651,323	\$ (86,164)	(0.5%)

EXPENDITURE CATEGORY	BUDGETED AMOUNT		INCR / (DECR)	
	ORIGINAL FY 2019	APPROVED FY 2020	\$	%
PERSONNEL	\$ 13,577,215	\$ 13,670,168	\$ 92,953	0.7%
OPERATING	3,890,272	3,937,155	\$ 46,883	1.2%
TRANSFER TO CIP	270,000	44,000	\$ (226,000)	(83.7%)
TOTAL EXPENDITURES	\$ 17,737,487	\$ 17,651,323	\$ (86,164)	(0.5%)

COLONIAL BEHAVIORAL HEALTH

Executive Director's Report – August 2020

Agency Issues

1. We offer a warm welcome to Sherry Wharton, our newest CBH Board member representing the City of Poquoson. Sherry is a retired Registered Nurse, and we look forward to working with her in some of the most challenging and exciting times of our existence.
2. Most CBH services continue to operate via Telehealth. Opportunities Unlimited and Intensive In-Home services were forced to close due to the nature of the service. Opportunities Unlimited is scheduled for a partial reopening on June 1st.
3. We have developed plans for gradually reopening CBH buildings to the public as provided for in CDC, Health Department, DBHDS Licensing and DMAS guidance. These plans will continually be updated as guidance changes through the pandemic period.

Community Issues

1. The foundation (Supporting Organization) created to support our efforts related to integrated care and property development was named “Friends of Integrated Community Healthcare.” The time taken to complete all processes has been extensive, and IRS review of documents extended considerably by the pandemic. However, word was received on 8/17 that the organization has been granted tax-exempt status by the IRS as a Supporting Organization.

Regional Issues

1. Governor Northam has issued Executive Order 70, which essentially suspends the “last resort” legislation passed in 2014. While the complications caused by COVID-19 are very real in state psychiatric facilities, this Executive Order effectively transfers the safety net role for many in crisis to CSBs, local hospitals, families, and law enforcement. This Executive Order is in place until the end of the declared pandemic emergency. The order can be found at [https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-70-Addressing-the-Impact-of-the-Novel-Coronavirus-\(COVID-19\)-on-the-Commonwealths-Psychiatric-Hospital-System.pdf](https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-70-Addressing-the-Impact-of-the-Novel-Coronavirus-(COVID-19)-on-the-Commonwealths-Psychiatric-Hospital-System.pdf).
2. Virginia is moving forward on Alternative Transportation for persons being transported to inpatient psychiatric facilities under Temporary Detention Orders (TDOs). This model, in use in several states already, tends to reduce the number of law enforcement-provided transports by about 50% - and provides a much more dignifying process for persons in psychiatric crisis. This model is scheduled for implementation in our region on 8/25/2020.

Public Policy

1. The General Assembly will be approving a revised budget on August 18, 2020. We will provide details of that budget as they become available.
2. Both Federal and State officials have provided significant regulatory flexibility during this pandemic, particularly in the area of telehealth services and billing. At this time, DMAS has extended those flexibilities into late January 2021; discussions are taking place at the Federal level now to make many of these new flexibilities permanent.

Respectfully submitted,
David A. Coe