

Shelby County COVID-19 Employee and Operations Policy

3-23-2020

The Board of Commissioners continue to place the highest priority on the health, safety and wellbeing of the Shelby County community AND its employees, while protecting the continuity of essential county functions.

Effective Monday, March 16, 2020 and extending for 30 days, Shelby County's workplace policies are being enhanced for those employees under the Board of Commissioners' Employee Handbook, regardless of current length of employment or full/part-time status. These policies will be revisited regularly, and employees should continue to check with HR for updates. These enhanced policies do not automatically apply to employees of 24/7 or emergency operations; those employees should consult their Department Head/Elected Official/Supervisor for further instructions.

Public Health Leave

Our primary goal is to keep operating as normal as possible for as long as possible. The public sector plays a critical role in the community. YOU play a critical role in the community. The purpose of this policy is to provide employees with supplemental leave that is distinct from and in addition to benefits accrued pursuant to county policy. It is in the best interest of all county employees to avoid the spread of COVID-19 in the workplace and in our community. Accordingly, the county's intent in providing this Public Health Leave is to reduce the risk of transmission of COVID-19 in the workplace by increasing the likelihood that employees who exhibit any of the common symptoms of COVID-19, or who reside with someone who exhibits any common symptoms, will remain away from the workplace until they no longer have the potential to infect others. Employees who are **able and healthy** are expected at work as scheduled, with the following Exceptions:

- 1) Employees who have a current diagnosis of COVID-19 or who have been in ***close contact** with a person with symptomatic laboratory-confirmed COVID-19;
- 2) Employees who are under quarantine (including self-imposed quarantine), at the instruction of a healthcare provider or a local, State, or Federal official, in order to prevent the spread of COVID-19;
- 3) Employees who do not have a current diagnosis of COVID-19 but who develop signs or symptoms compatible with COVID-19 until such time as a diagnosis is confirmed or 4-5 days after compatible symptoms have ended unless directed otherwise by a healthcare provider or a local, State, or Federal official, in order to prevent the spread of COVID-19;
- 4) Employees who are living in the same household as, an intimate partner of, or caring for a person in a nonhealthcare setting who meet exceptions 1, 2, or 3;
- 5) Employees who are at increased risk for complications from COVID-19 due to a diagnosed health condition(s) **and** who are presently under the care of a physician for the diagnosed health condition whose job duties require ***close contact** but for whom temporary job modification is not possible;
- 6) Employees who are engaged in primary caregiving, because of the COVID-19-related closing of a school or other care facility or care program, for a child or other individual unable to provide self-care (if two or more caregivers living in the same home are county employees, only one caregiver is eligible for Public Health Leave per day);

Employees who meet one of the Exceptions above will be granted ten (10) paid Public Health Leave days paid at 100% of their regular rate of pay. If, after the initial Public Health Leave days are exhausted and the employee still meets one of the Exceptions the employee may receive additional paid Public Health

Days up to a maximum total of 20 days at the discretion of their Department Head or Elected Official. Employees are expected to return to work if they no longer meet the Exception or this policy is altered, whichever comes first.

Employees who are eligible for Public Health Leave due to Exceptions 4, 5, or 6 **are not required to take leave and are free to work as scheduled**, assuming they are able and healthy and otherwise free of COVID-19 symptoms. Intermittent leave (i.e., leave for a time period less than a full workday) may be permissible on a case-by-case basis, to be determined at the sole discretion of the Department Head or Elected Official. Additionally, if alternate work arrangements are approved by their supervisor (e.g. flex time or remote work), employees who meet Exceptions 4, 5, or 6 are eligible for their regular rate of pay for documented hours worked. Any unused Public Health Leave days will expire at discontinuance of this policy.

Employees must have a **Public Health Leave Form** signed by their Department Head or Elected Official **on file with Human Resources to receive any benefit days under this policy**. If the need for Public Health Leave is foreseeable, the employee must provide reasonable advance notice to his/her supervisor. If the need is not foreseeable, the employee must notify his/her supervisor as soon as practicable. Employees on approved Public Health Leave should contact their Department Head or Elected Official **on a daily basis (or regularly if daily is not possible) regarding their ability to return to work**. Employees who knowingly falsify eligibility may be subject to disciplinary action up to and including termination. The county may require an employee who uses Public Health Leave to provide certification that the Public Health Leave was used for a proper purpose. Shelby County is committed to pay continuation for a defined period of time (e.g., 20 days), with review and possible modification as conditions change. Should the employee on Public Health Leave have a change in status and no longer meet the eligibility of an Exception, they should return to work as scheduled.

If an employee meets only Exception 6 listed above, and the school closure occurs when the employee already had scheduled the use of benefit time, the employee must use their benefit time as planned if they do not report to work. (e.g. If an employee had already planned to be off for spring break, and a school or care facility closure overlaps with already approved benefit time, the employee must use their benefit time as scheduled.)

Modifications to Normal Operations

While the primary goal is to keep operating as normal as possible for as long as possible, there may be situations in which modifications to department operations or service offerings **must take place**. Departments should immediately enact social distancing practices (separation of at least six feet) where possible. This may lead to limits on public interactions with your department. Please balance these considerations with the goal of ensuring continuity of operations.

Employees at increased risk for complications from COVID-19 due to diagnosed health conditions and whose job function requires ***close contact**, but who are otherwise able and healthy, may request temporary modifications to their job in coordination with their Department Head/Elected Official. This may include a temporary change in job location for front-line staff, modifications of work assignment or duties, or implementation of additional protective measures to reduce their exposure to others or chances of being infected. If job modifications are not possible, **employee meets Exception 5**.

Except for employees who formally request a change in job circumstances due to underlying health conditions, employees will generally not be reassigned to new duties, locations, or roles or be provided with paid sick/release time solely to address concerns about the potential for COVID-19 infection.

If recommended social distancing measures are insufficient, departments may need to consider further reductions in physical proximity to the public, up to and including closing offices to the general public to reduce further spread of COVID-19. Departments should ensure that the public is informed of alternate methods of conducting business with the department and if no alternate methods exist, may need to consider **temporary modifications of processes, procedures, rules, and deadlines**. Departments may also need to consider alternate methods of conducting business due to a lack of available employees. To increase employee availability, departments may need to permit flexing work hours or permitting remote work where feasible and manageable.

In the event that neither recommended social distancing measures nor any additional enhanced measures taken by departments are sufficient to reduce the spread of COVID-19, the Board of Commissioners may be forced to close county facilities to the public AND employees or take other extreme measures. In the unlikely event of this closure, all non-Essential Personnel will be placed on Public Health Leave as if they meet Exception 6. Essential Personnel must continue to report to work.

This policy is not intended to establish a precedent for how similar emergency situations will be addressed in the future. Furthermore, this policy addresses absences for reasons associated with **preventing or containing the spread of COVID-19** and does not cover absences for any other reason.

Employees will not be paid for unused COVID-19 leave benefits while they are employed or at termination.

Symptoms of COVID-19

According to the Centers for Disease Control and Prevention, symptoms of COVID-19 include a fever, cough, and/or shortness of breath. A fever is defined as a body temperature of 100.4 degrees Fahrenheit taken by an oral thermometer. These are also compatible symptoms of COVID-19, so employees should err on the side of caution. Temperature should be measured without the use of a fever-reducing medicine that contains ibuprofen or acetaminophen. Employees who develop ANY COVID-19 symptom or COVID-19 compatible symptom **should not report to work but should call a physician for further direction or 392-DOCS**. Employees with symptoms should not go directly to a doctor, a clinic, or hospital without first calling for guidance.

However, if you develop emergency warning signs for COVID-19 get medical attention immediately. Emergency warning signs include, but are not limited to, difficulty breathing or shortness of breath, persistent pain or pressure in the chest, confusion or inability to arouse, and bluish lips or face.

This policy is subject to modification by the Board of Commissioners. Changes in policy will be communicated to employees as best as possible.

The Centers for Disease Control defines **close contact as a) being within approximately 6 feet of a COVID-19 case for a prolonged period of time; close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a COVID-19 case or b) having direct contact with infectious secretions of a COVID-19 case (e.g., being coughed on).*

PUBLIC HEALTH LEAVE FORM AFFIDAVIT

Employee Name _____ Department _____

I am requesting Public Health Leave for the following reason (check all that apply):

- I have a current diagnosis of COVID-19 or have been in close contact with a person with symptomatic laboratory-confirmed COVID-19
- I am under quarantine (including self-imposed quarantine), at the instruction of a healthcare provider or a local, State, or Federal official, in order to prevent the spread of COVID-19
- I do not have a current diagnosis of COVID-19 but have developed signs or symptoms compatible with COVID-19 and am waiting for laboratory-confirmed diagnosis or for 4-5 days to pass after compatible symptoms have ended. I have not been directed otherwise by a healthcare provider or a local, State, or Federal official, in order to prevent the spread of COVID-19
- I am living in the same household as, an intimate partner of, or caring for a person in a nonhealthcare setting who meets one of the above listed reasons
- I am at increased risk for complications from COVID-19 due to a diagnosed health condition for which I am presently under the care of a physician, my job requires close contact with customers, and temporary job modifications are not possible
- I am engaged in primary caregiving, because of the COVID-19-related closing of a school or other care facility or care program, for a child or other individual unable to provide self-care (if two or more caregivers living in the same home are county employees, only one caregiver is eligible for Public Health Leave per day)

I attest that I meet one or more of the eligibility criteria outlined above and as explained in the **Shelby County COVID-19 Employee and Operations Policy**. I acknowledge that providing false information may subject me to disciplinary action, up to and including termination.

SIGNATURES

Return completed form to your Elected Official/Department Head and forward a copy to the Human Resources Department.

Employee _____

Date _____

Elected Official /Department Head _____

Date _____

Notes: