

Effective: April 1, 2020

City of Blaine

Interim Policy 2020-02: COVID-19 Program for Employees
Supersedes 3/16/2020 COVID Leave Policy

PURPOSE:

As noted in Interim Policy 2020-01, we believe in the importance of a healthy workplace and wellness. This policy identifies the primary issues related to dealing with necessary time off related to COVID-19 as well as the need for continued services during the governor's Emergency Executive Order 20-20.

On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic. On March 13, 2020 the Minnesota governor issued an executive order 20-01 declaring a peacetime emergency because of this pandemic. On March 15, 2020 Minnesota detected the first confirmed cases caused by community spread.

On March 25, 2020, the governor issued Emergency Executive Order 20-20 directing Minnesotans to Stay at Home. This order contained a number of exemptions for employees in critical sectors. Areas such as public health, law enforcement, public safety, first responders, water and wastewater, public works and communications and information technology were specifically exempted. In addition, political subdivisions were given the authority to determine the minimum personnel necessary to maintain government operations necessary to ensure the health, safety, and welfare of the public, to preserve the essential elements of the financial system of government and to continue priority services. These areas are also exempt from the requirement that Minnesotans stay at home. Despite these exemption, Emergency Executive Order 20-20 emphasized that **All Workers Who Can Work From Home Must Do So**. This policy is intended to identify our implementation of these directives.

In addition, the federal Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act will be effective April 1, 2020.

It is our goal to implement the provisions of the federal and state requirements noted above. As noted in Interim Policy 2020-01, we recognize that the evolving nature of the pandemic will likely create the need for this Policy to be amended, updated, and replaced. This policy is numbered in order to identify the most current policy. It is expected that, in the event this Policy is amended, updated, or replaced, a new policy number will be issued and the prior policy will be automatically withdrawn. Interim Policy 2020-01 is hereby withdrawn and of no further force and effect.

A. Leaves Associated with COVID-19:

The federal Families First Coronavirus Response Act (FFCRA) requires that we provide employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions apply from April 1, 2020 through December 31, 2020.

The requirements of these laws can be found on posters in our facilities as well as at:

https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf

The following is intended to briefly summarize these requirements:

i. Qualifying Reasons for Leave Related to COVID-19:

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

ii. Paid Leave Provisions Related to the Leaves Noted Above:

Employees will receive pay as follows:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 noted above, up to \$511 daily and \$5,110 total;
- 2/3 for qualifying reasons #4 and 6 noted above, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 noted above for up to \$200 daily and a maximum of \$2,000 for the first two weeks and a maximum of \$10,000 for the remaining 10 weeks.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Pursuant to federal law, the Emergency Paid Sick Leave must be utilized prior to other leaves that may be available. Leave for this time must be noted on your time sheet.

It should be noted that these provisions may not apply to emergency responders' care of family members or others dependent on departmental needs. This leave is only applicable to Emergency Responders for care of self, due to symptoms or diagnosis.

In addition to the federal requirements noted above, you may elect to utilize accrued sick or vacation to supplement the 2/3 pay noted above and remain in a pay status more proximate to your regular pay status.

Please note that these benefits and requirements as outlined in federal law are intended to be limited in time. They are intended to expire at the end of the year. Pursuant to federal law, these benefits do not vest, will not be paid out upon separation and may not be carried over from year to year except as required by federal law.

iii. Leave Associated with Travel

We will follow CDC guidelines associated with employees returning to Minnesota from other locations.

iv. Employee Becoming Ill or Displaying Contagious Symptoms

Any employee who is sick should stay home.

Employees should refrain from discussing a coworker's condition due to data privacy laws. If an employee has concerns, they should speak privately with their supervisor or contact the Human Resources Director.

A supervisor may not ask employees about medical diagnoses, but employees may choose to voluntarily share this information. If an employee is displaying symptoms of contagious disease, supervisors should speak privately with the employee.

A supervisor may require an employee to leave the workplace, as a safety consideration for the health of other employees and the public, if the employee displays symptoms of a contagious illness. Such decision shall be part of a consistent plan that treats all employees with such symptoms similarly. While supervisors should not make judgments about a medical diagnosis, they may rely on symptoms to make a determination to send an employee home.

Supervisors should consult with Human Resources staff before sending employees home for these reasons and must notify Human Resources immediately if any employee is sent home because of displaying contagious symptoms. An employee who is sent home for these reasons may use their available paid leave or take the time as unpaid leave. For a period less than a full work week, an exempt employee must use available paid leave hours.

v. Notifying Other Employees of a Confirmed Case of COVID-19

As recommended by the CDC, if an employee is confirmed to have COVID-19, Human Resources will inform fellow employees of their possible exposure to COVID-19 in the workplace, but protect privacy as required by state and federal law. Human Resources will not identify by name an individual who has contracted the disease. Employees exposed to co-worker with confirmed COVID-19 should refer to CDC guidance for how to conduct a risk assessment of their potential exposure. Human Resources will work closely with medical health providers and rely on guidance from federal and local authorities about transmission risk and containment.

vi. Workers' Compensation

COVID-19 will be treated the same as other illness or injury. If an employee contracts COVID-19 from exposure at work, the supervisor must be notified and a First Report of Injury will be filed and submitted. The insurer will review the information to make a compensability determination.

vii. Other Leaves

Unfortunately, due to staffing and contingency planning, it may be necessary to withdraw previously approved vacation requests. This will be addressed on a case by case basis.

Other leaves, such as non-COVID-19 related sickness or injury, will continue to be addressed by existing policies.

B. Continuation of Operations.

i. Telecommuting

Emergency Executive Order 20-20 directing Minnesotans to Stay at Home specifically states that **“All workers who can work from home must do so.”** Emergency Executive Order 20-20. In order to apply this directive to our workforce, it must be understood that working from home (teleworking) is not an employee choice – rather we have the obligation to determine whether the employee can work from home. Upon a determination that telework is a viable option for the employee, an employee cannot decline to follow such a determination as a matter of personal choice.

Telecommuting and working from home is not appropriate for all positions. Based on business need, staff will be given assignments and may be required to have Virtual Private Network (VPN) access in order to work from home or another remote location when assigned by their supervisor. Staff may be reassigned to perform other duties remotely as needed.

Schedules, approved leave, and other situations may require changes or adjustments based on essential business needs.

Any work done remotely must meet business needs, follow applicable Telecommuting Policies and all other policies. Teleworking must be approved in advance by the Supervisor or designee.

ii. Exemption from Stay at Home - Continued Operations Determinations

Division Heads will make arrangements to ensure critical/essential functions will continue, and will also follow Pandemic Preparedness Plan, Business Operations Plans, and directives of the Emergency Management Director, City Manager, and elected body. In performing this duty, positions will be categorized as follows:

A. Specifically Exempt from the Executive Order.

This group includes employees in the areas of public health, internally specified law enforcement, public safety, first responders, water and wastewater, public works and communications and information technology.

B. Exempt from the Executive Order upon determination by the City of Blaine:

This group includes employees in the areas where we were given the authority to determine the minimum personnel necessary to maintain government operations necessary to ensure the health, safety, and welfare of the public, to preserve the essential elements of the financial system of government and to continue priority services.

C. Not Exempt from the Executive Order but able to Telework.

D. Not Exempt from the Executive Order and not able to Telework.

Employees in category A and B will be required to continue to work. Operations plans will be addressed within the department and coordinated through administration.

In reviewing each category, we determined that there are no opportunities for employees to work from home in the areas of law enforcement (except as specified internally), public safety, first responders, water and wastewater and public works.

We determined that communications and information technology may have limited or no ability to work from home. Each position will be discussed with the department head and affected individual.

Employees in category C will be required to continue to work through Teleworking. The need for continued work in this area will be monitored and adjusted based upon our need for continued operations. Employees who meet the leave requirements related to COVID-19

isolation, quarantine or school/place of care closure as noted above but are able to telework may be required to do so.

Employees in category D may be reassigned to duties that fall within category B as needed.

In order to retain flexibility in the work force, these employees will remain in full pay status until such time as Blaine City Council determines that the employee will not be returned to duty in a short duration of time. Continued pay does not include overtime, supplemental pay, and or other additional pay. This applies to full time employees and part time employees regularly scheduled to work 20 hours per week or more. Continued pay may be pro-rated based on partial day and/or partial week closures. In the event that it is determined that the employee will not be returned to duty in a short duration of time, the employee will be laid off. Layoffs will be accomplished pursuant to the applicable provisions of the personnel policies or collective bargaining agreement.

An employee in any category who declines such assignment will not be eligible for continued pay under this provision. Unless otherwise notified, employees should expect to be available for work, as the situation could change regularly.

If an employee is receiving pay under this provision, they will also receive continued employer contributions to insurance benefits as if they were working a regular workweek.

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