

Category: 100 – General/Administrative

Number: 138

Policy: Severe Communicable Disease Outbreak – staffing and services consideration policy

Purpose: This policy outlines the County’s overall response in the event of an infectious disease outbreak. It provides the authorization to take extraordinary measures to safeguard employees’ health and well-being during a pandemic outbreak while ensuring the County’s ability to maintain essential operations and continue providing essential public services.

Authority: St. Clair County Board of Commissioners

Application: This policy applies to every department and employee, including elected and appointed officials, of St. Clair County government.

Definitions:

- **Infectious disease** are illnesses caused by germs that enter the body, multiply, and can cause infection. Some are contagious (communicable) and may spread from one person to another via air, water, food, touch, etc.
- **Pandemic** is a global outbreak of disease.
- **Critical positions** are positions that are vitally important to the health and safety of the general public.
- **Essential positions** are positions that are vitally important to the County's continued operations.
- **Non-essential positions** are positions that can sustain a temporary closure without significant impact on the public and/or county operations.

Policy:

- I. In the event of an outbreak or a potential outbreak of an infectious disease determined by the St. Clair County Board of Commissioners or the St. Clair County Health Officer, in consultation with local, State or Federal authorities, to be a severe communicable disease, the St. Clair County Board authorizes the Board Chair and the Administrator/Controller or designee, to appropriately monitor and coordinate actions. Additionally, the St. Clair County Board of Commissioners further authorizes the Board Chair and the Administrator/Controller to implement measures intended to safeguard the welfare of its employees and persons served while maintaining operations in an effective and efficient manner and, to the greatest extent possible, seeks to ensure that essential public services continue to be provided.

- II. Such measures are at the discretion of the St. Clair County Board of Commissioners, or Administrator/Controller, or its designee and appropriate elected officials and may include, but are not limited to, designating certain positions as critical, essential, or non-essential/non-critical. Each department director or elected official shall be required to identify critical, essential and non-essential positions and submit to the Administrator/Controller.
 - a. **Employees assigned to critical positions** will be required to work as directed during an outbreak of a severe communicable disease.
 - b. **Employees assigned essential positions** must continue to be available for work as determined by the Administrator/Controller and/or appropriate elected official and will be provided further guidance during the outbreak of severe communicable disease. The employee must provide the employer a current contact number. An employee may also be identified as essential, notwithstanding their current assignment if the employee has been identified by management as having the credentials, skills, and/or abilities to perform or assist or backup other employees in the provision of critical or essential public services.
 - c. **Employees assigned non-essential/non-critical positions** are addressed in Section V.
- III. Employees assigned to critical or essential positions who are directed to work during an outbreak of a severe communicable disease will not be granted leave, nor authorized vacation or use of comp time. Critical or essential positions who are directed to work during an outbreak of a severe communicable disease are expected to report. Failure to report on this basis will not be excused and may result in disciplinary action up to and including termination from employment. The level of discipline and any mitigating circumstances underlying an unauthorized absence will be reviewed on a case-by-case basis.
- IV. In order to ensure the continued provision of critical or essential public services, the Administrator/Controller or designee, may consider and implement special requirements or policies during the outbreak of a severe communicable disease. For the duration of the outbreak of the severe communicable disease, such special discretionary policies shall (to the extent not violative of State or Federal law) take precedence over any existent conflicting employer practices, policies, or directives. Such special discretionary policies may include, but are not limited to, the following directives **with minimal notice**:
 - a. Employees may be assigned to other positions, departments or duties. Employees assigned to perform work at or for other departments will be paid by the employees' regular department.
 - b. Employees may be assigned to alternate work locations.
 - c. Previously granted authorizations for vacation, compensatory time, leave of absences (other than for legally required sick or family leave purposes), flexible scheduling, training, conferences, etc. may be rescinded.
 - d. Employees may be required to report for work.

- e. Employees work schedules and/or hours of work may change.
- f. Employees may be asked to telecommute.
- g. Employees may be assigned overtime.
- h. Employees may be assigned special duties.
- i. Normal business hours may be changed.
- j. Policies may be put in place for reporting and approving timesheets, call-in and notice requirements, or the requirement and timing for medical certifications both necessary to justify an absence or to authorize return to work. This may include, but is not limited to:
 - 1. Requiring an employee who was symptomatic, diagnosed and/or tested positive for a severe communicable disease to not physically report to work without prior notice to and approval of the Administrator/Controller or without providing a return to work authorization.
 - 2. Because healthcare providers may be overtaxed, waiving or extending, in general or on a case-by-case basis, the return to work certification requirements.
- k. Policies or measures may be implemented to protect staff, the public or to promote social distancing in order to limit the number of persons concentrated in the workplace.
- l. Supervisory employees may be given enhanced authority to permit **or require** an employee to leave the workplace based upon observations leading to a reasonable determination that the employee may be ill and/or symptomatic. **The employee may use vacation, sick leave, personal leave, or compensatory time, as needed, if directed by a supervisor to leave.** If a non-exempt employee has no leave, they may be sent home with approved leave without pay.
- m. Consider and approve on an expedited basis flexible work schedules, job sharing, or FMLA to assist employees in meeting the medical needs of family members. Benefits coverage will continue as per current FMLA regulations.
- n. May authorize an administrative leave, or procedures to request and obtain administrative leave, for employees assigned to positions that are directed to report and/or perform essential or critical positions upon an individual circumstance. This may include, at the discretion of the employer, a certification from the employee's health care provider that the employee has been infected with the severe communicable disease, is reasonably likely to spread a severe communicable disease to coworkers or residents through the performance of the employee's regular job duties, and/or is unable to perform the essential functions of his/her job without possible harm to himself/herself or others.
- o. Procedures or policies addressing if an employee is sick or is caring for a sick family member, how and under what circumstances that employee may use sick or annual leave or compensatory time. However, nothing shall alter or amend the current policy that both paid and unpaid leave will count toward FMLA time off pursuant to employer policies.

- p. Informing employees of the expectation to report to work and that if they fail to do so, unless the absence is excused by operation of law or authorization of the employer, may be subject to potential disciplinary action up to and including termination. The level of discipline and any mitigating circumstances underlying an unauthorized absence will be reviewed on a case-by-case basis.
 - q. During a pandemic, a department head will have the flexibility in hiring critical or essential employee to back-fill positions due to absenteeism with prior authorization from the Administrator/Controller. This will include re-hired retirees; however, retirees will be limited to the 1,000 hour rule in regards to their pension benefits.
- V. Depending on the nature and severity of the situation, the Administrator/Controller or designee may require/permit that employees in **non-essential/non-critical positions**:
- a. May not be required to report to work during a declared outbreak of a severe communicable disease.
 - b. May be directed to not report to work and to stay away from their work sites.
 - c. May be instructed not to report until contacted by their Department Head, as instructed by the Administrator/Controller, with further directions.
 - d. May be permitted expedited consideration of flexible scheduling or telecommuting during the outbreak of the severe communicable disease.
 - e. May be furloughed.
 - f. May be authorized leave of up to 14 days, or as recommended by the County Health Officer, to any non-essential/non-critical employees who are reasonably believed to have been exposed to infected persons with the severe communicable disease to permit the employee an opportunity to contact his/her healthcare provider for examination, testing and treatment.
 - g. May be instructed not to report upon a self-report by the employee that the employee is showing symptoms of the severe communicable disease until they are free of fever and free of any other symptoms for at least 3 days (or other adopted guidelines from the County Health Officer) prior to the start of their shift, without the use of fever-reducing or other symptom-altering medicines (cough suppressants) or unless released by a healthcare provider.
 - h. If a member of the non-essential/non-critical position employee's family is ill with the symptoms identified above, the employee may be authorized to not report and may be granted an expedited consideration of an FMLA leave request to care for that family member until they are fever and/or symptom free as identified above.
 - i. The use of vacation time, compensatory time, personal leave, telecommuting or flexible scheduling to mitigate absences caused by caring for a healthy dependent child arising from school or daycare closures caused by the outbreak of a severe communicable disease.
 - j. May be approved for up to 14 days of leave, if instructed by the local, state or federal health department(s) to quarantine.

VI. Facility Closure and/or Furlough

- a. The Board Chairman and/or Administrator/Controller may direct the closure of certain offices or facilities. Non-essential/non-critical employees may be placed on administrative leave. Critical or essential employees may be required to continue reporting, be redeployed to other offices or facilities, may be assigned new functions, or may be placed on administrative leave.
- b. If an entire facility/office is closed by order of the Board Chair or Administrator/Controller and no alternative work or site is assigned, non-essential/non-critical employees' administrative leave will be compensated in accordance with mandated State and Federal laws and there will be no deduction, if applicable, from leave or compensatory time banks.
- c. **Critical and essential employees** at a closed office or facility who are directed to work but fail to report to work are not entitled to paid administrative leave and will have their time charged to banked vacation time, or the leave will be without pay, and may be subject to disciplinary action up to and including termination.
- d. Any employees who, prior to a facility/office closure requested and had been approved for time off (e.g., vacation, sick leave, compensatory leave, or paid or unpaid leave of absence and whose leave approval was not rescinded) will have hours deducted from their accruals as approved or will not be entitled to pay in accordance with established policies.
- e. If the closure lasts for an extended period of time, employees may be furloughed without pay. However, employees may be permitted to elect to utilize banked leave, or compensatory time (if any) to continue wages. The Board of Commissioners may, after the re-opening of all facilities/offices, review the status or compensation of furloughed staff.

Nothing in this policy shall be interpreted to abridge an eligible employee's rights to apply for or be granted leave under the FMLA. This policy is not intended to supersede or replace any applicable State and Federal laws.

Adopted : April 23, 2020