**PUBLIC EMPLOYER HEALTH EMERGENCY PLAN FOR THE TOWN OF CLINTON**

Adopted by the Clinton Town Board

November 14, 2023

This plan has been developed in accordance with New York State legislation S8617B/A10832

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# **ADOPTION**

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable.

This plan has been developed as required by the amended New York State Labor Law.

No content of this plan is intended to impede, infringe, diminish, or impair the rights of us or our valued employees under any law, rule, regulation, or collectively negotiated agreement, or the rights and benefits that accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

This plan has been approved in accordance with requirements applicable to the agency, jurisdiction, authority, or district, as represented by the signature of the authorized individual below.

As the authorized official of the Town of Clinton, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with S8617B/A10832, which amends New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable, to address public health emergency planning requirements.

Signed on this day: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By: Michael Whitton

Title: Town Supervisor

**PURPOSE, SCOPE, SITUATION OVERVIEW, AND ASSUMPTIONS**

## *Purpose*

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable. These laws were amended by the passage of legislation S8617B/A10832, signed by the Governor on September 7, 2020, requiring public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The plan includes the identification of essential positions, facilitation of remote work for non-essential positions, provision of personal protective equipment, and protocols for supporting contact tracing.

## *Scope*

This plan was developed exclusively for and is applicable to the Town of Clinton. This plan is pertinent to a declared public health emergency in the State of New York that may impact our operations; and it is in the interest of the safety of our employees and contractors, and the continuity of our operations, that we have adopted this plan.

## *Situation Overview*

On March 11, 2020, the World Health Organization declared a pandemic for the novel coronavirus that causes COVID-19 severe acute respiratory syndrome. This plan has been developed in accordance with amended laws to support continued resilience for a continuation of the spread of this disease, or for other infectious diseases that may emerge and cause a declaration of a public health emergency.

The health and safety of our employees and contractors is crucial to maintaining our mission-essential operations. We encourage all employees and contractors to use [*CDC Guidance for Keeping Workplaces, Schools, Homes, and Commercial Establishments Safe*](https://www.cdc.gov/coronavirus/2019-ncov/downloads/workplace-school-and-home-guidance.pdf). The fundamentals of reducing the spread of infection include:

* Using hand sanitizer and washing hands with soap and water frequently, including:
  + After using the restroom.
  + After returning from a public outing.
  + After touching/disposing of garbage.
  + After using public computers, touching public tables, and countertops, etc.
* Practice social distancing when possible.
* If you are feeling ill or have a fever, notify your supervisor immediately and go home.
* If you start to experience coughing or sneezing, step away from people and food and cough or sneeze into the crook of your arm or a tissue—the latter of which should be disposed of immediately.
* Clean and disinfect workstations at the beginning, middle, and end of each shift.
* Other guidance that may be published by the Centers for Disease Control and Prevention (CDC), the New York State Department of Health, or Dutchess County health officials.

## *Planning Assumptions*

This plan was developed based on information, best practices, and guidance available as of the date of publication. The plan was developed to largely reflect the circumstances of the coronavirus pandemic but may also be applicable to other infectious disease outbreaks.

The following assumptions have been made in the development of this plan.

* The health and safety of our employees and contractors (and their families) is of utmost importance.
* The circumstances of a public health emergency may directly impact our own operations.
* The impact of a public health emergency will take time for us to respond to, with appropriate safety measures put into place and adjustments made to operations to maximize safety.
* The public and our constituency expect us to maintain a level of mission-essential operations.
* Resource support from other jurisdictions may be limited based upon the level of impact a public health emergency has upon them.
* Supply chains, particularly those for personal protective equipment and cleaning supplies, may be heavily impacted, resulting in considerable delays in procurement.
* The operations of other entities, including the private sector (vendors, contractors, etc.), non-profit organizations, and other government agencies and services, may also be impacted due to a public health emergency, causing delays or other disruptions in their services.
* Emergency measures and operational changes may need to be adjusted based upon the specific circumstances and impacts of a public health emergency, as well as guidance and direction from public health officials and the Governor.
* Per S8617B/A10832, “essential employee’” is defined as a public employee or contractor who is required to be physically present at a worksite to perform his or her job.
* Per S8617B/A10832, “non-essential employee” is defined as a public employee or contractor who is not required to be physically present at a worksite to perform his or her job.

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# **CONCEPT OF OPERATIONS**

The Supervisor of the Town of Clinton or designee holds the authority to execute and direct the implementation of this plan. Implementation, monitoring of operations, and adjustments to plan implementation may be supported by additional personnel, at the discretion of the Town Supervisor or designee.

Upon the determination of implementing this plan, all employees and contractors of the Town shall be notified by email, with details provided as possible and necessary, with additional information and updates provided on a regular basis. Town employees will be notified of pertinent operational changes by way of email notification. Other interested parties, such as vendors, will be notified by phone and/or email as necessary. The Town Supervisor or designee will maintain communications with the public and constituents as needed throughout the implementation of this plan.

The Town Supervisor or designee will maintain awareness of information, direction, and guidance from public health officials and the Governor’s office, directing the implementation of changes as necessary.

Upon resolution of the public health emergency, the Town Supervisor or designee will direct the resumption of normal operations or operations (with modifications as necessary).

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# **MISSION–ESSENTIAL FUNCTIONS**

When confronting events that disrupt normal operations, the Town is committed to ensuring that essential functions will be continued even under the most challenging circumstances.

Essential functions are those functions that enable an organization to:

1. Maintain the safety of employees, contractors, and our constituency.
2. Provide vital services.
3. Provide services required by law.
4. Sustain quality operations.
5. Uphold the core values of the Town of Clinton.

The Town has identified as critical only those priority functions that are required or necessary to provide vital services. During activation of this plan, all other activities may be suspended to enable the organization to concentrate on providing the critical functions and building the internal capabilities necessary to increase and eventually restore operations. Appropriate communication with our employees, contractors, constituents, and other stakeholders is an ongoing priority.

Essential functions are prioritized according to:

* The time criticality of each essential function.
* Interdependence of functions.
* The recovery sequence of essential functions and their vital processes.

## *Essential Positions*

Each essential function identified by the Town Supervisor or designee requires certain positions to be staffed on site to operate effectively. Note that while some functions and positions may be essential, some can be conducted remotely and do not need to be identified in this section.

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# **REDUCING RISK THROUGH REMOTE AND STAGGERED WORK SHIFTS**

Through assigning certain staff to work remotely and by staggering work shifts, we can decrease crowding and density at worksites.

## *Remote Work Protocols*

Insofar as possible, non-essential employees and contractors able to accomplish their functions remotely will be enabled to do so. Working remotely requires:

1. Identification of staff who will work remotely.
2. Approval and assignment of remote work.
3. Equipping staff for remote work, which may include:
   1. Internet-capable laptops.
   2. Necessary peripherals.
   3. Access to VPN and/or secure network drives.
   4. Access to necessary software and databases.
   5. A solution for telephone communications.
      1. Note that phone lines may need to be forwarded to off-site staff.

## *Staggered Shifts*

Implementing staggered shifts may be possible for personnel performing duties that are necessary to be performed on site but perhaps less sensitive to being accomplished only within core business hours. Insofar as possible, management will identify opportunities for staff to work outside core business hours as a strategy of limiting exposure. Regardless of changes in start and end times of shifts, the Town will ensure that employees are provided with their typical or contracted minimum work hours per week. Staggering shifts requires:

1. Identification of positions for which work hours will be staggered.
2. Approval and assignment of changed work hours.

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# **PERSONAL PROTECTIVE EQUIPMENT**

The use of personal protective equipment (PPE) to reduce the spread of infectious disease is important to supporting the health and safety of our employees and contractors. PPE that may be needed can include:

* Masks.
* Face shields.
* Gloves.
* Disposable gowns and aprons.

Note that while cleaning supplies are not PPE, there is a related need for cleaning supplies used to sanitize surfaces, as well as hand soap and hand sanitizer. The coronavirus pandemic demonstrated that supply chains were not able to keep up with increased demand for these products. As such, we are including these supplies in this section since they are pertinent to protecting the health and safety of our employees and contractors.

Protocols for providing PPE include the following:

1. Identification of need for PPE based on job duties and work location.
2. Procurement of PPE.
   1. As specified in the amended law, public employers must be able to provide at least two pieces of each required type of PPE to each essential employee and contractor during any given work shift for at least six months.
   2. Public employers must be able to mitigate supply chain disruptions to meet this requirement.
3. Storage of, access to, and monitoring of PPE stock.
   1. PPE must be stored in a manner that will prevent degradation.
   2. Employees and contractors must have immediate access to PPE in the event of an emergency.
   3. The supply of PPE must be monitored to ensure integrity and track usage rates.

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# **STAFF EXPOSURES, CLEANING, AND DISINFECTION**

## *Staff Exposures*

Staff exposures are organized under several categories based upon the type of exposure and presence of symptoms. Following CDC guidelines we have established the following protocols.

1. If employees or contractors are exposed to a known case of communicable disease that is the subject of the public health emergency (defined as a “close contact” with someone who is confirmed infected, which is a prolonged presence within six feet with that person):
2. Potentially exposed employees or contractors who do not have symptoms should remain at home or in a comparable setting and practice social distancing for the lesser of fourteen days or other current CDC/public health guidance for the communicable disease in question.
   1. Insofar as possible, these employees will be permitted to work remotely during this period of time if they are not ill.
   2. The Town Supervisor or designee must be notified in these circumstances and is responsible for ensuring these protocols are followed.
   3. See the subsection titled “Documentation of Work Hours and Locations” for additional information on contact tracing.
3. CDC guidelines for COVID-19 provide that critical essential employees may be permitted to continue work following potential exposure, provided they remain symptom-free and additional precautions are taken to protect them, other employees and contractors, and our constituency/public.
   1. Additional precautions will include the requirement of the subject employee or contractor, as well as others working in their proximity, to wear appropriate PPE at all times to limit the possibility of transmission.
   2. In-person interactions with the subject employee or contractor will be limited as much as possible.
   3. Work areas in which the subject employee or contractor are present will be disinfected according to current CDC/public health protocol at least every hour, as practical. See the subsection titled “Cleaning and Disinfecting” for additional information on this subject.
   4. If at any time the subject employee or contractor exhibits symptoms, refer to item B below.
   5. The Town Supervisor or designee is the decision maker in these circumstances and is responsible for ensuring these protocols are followed.
4. If an employee or contractor exhibits symptoms of the communicable disease that is the subject of the public health emergency:
5. Employees and contractors who exhibit symptoms in the workplace should be immediately separated from other employees, customers, and visitors and sent home with a recommendation to contact their physician.
6. Employees and contractors who exhibit symptoms outside of work should notify their supervisor and stay home, with a recommendation to contact their physician.
7. Employees should not return to work until they have met the criteria to discontinue home isolation per CDC/public health guidance and have consulted with a healthcare provider.
8. The Town will not require sick employees to provide a negative test result for the disease in question or healthcare provider’s note to validate their illness, qualify for sick leave, or return to work, unless there is a recommendation from the CDC/public health officials to do so.
9. CDC criteria for COVID-19 provides that persons exhibiting symptoms may return to work if at least 24 hours have passed since the last instance of fever without the use of fever-reducing medications. If the disease in question is other than COVID-19, CDC and other public guidance shall be referenced.
10. The Town Supervisor or designee must be informed in these circumstances and is responsible for ensuring these protocols are followed.
11. If an employee or contractor has tested positive for the communicable disease that is the subject of the public health emergency:
12. Apply the steps identified in item B above, as applicable.
13. Areas occupied for prolonged periods of time by the subject employee or contractor will be closed off.
    1. CDC guidance for COVID-19 indicates that a period of 24 hours is ideally given before cleaning, disinfecting, and reoccupation of those spaces will take place. If this time period is not possible, a period of as long as possible will be given. CDC/public health guidance for the disease in question will be followed.
    2. Any common areas entered, surfaces touched, or equipment used shall be cleaned and disinfected immediately.
    3. See the section on Cleaning and Disinfection for additional information on this subject.
14. Identification of potential employee and contractor exposures will be conducted:
    1. If an employee or contractor is confirmed to have the disease in question, the Town Supervisor or designee should inform all contacts of their possible exposure. Confidentiality shall be maintained as required by the Americans with Disabilities Act.
    2. Apply the steps identified in item A above, as applicable, for all potentially exposed personnel.
15. The Town Supervisor or designee must be informed in these circumstances and is responsible for ensuring these protocols are followed.

We recognize there may be nuances or complexities associated with potential exposures, close contacts, symptomatic persons, and those testing positive. We will follow CDC/public health recommendations and requirements and coordinate with the Dutchess County Public Health Department for additional guidance and support.

## *Cleaning and Disinfecting*

CDC/public health guidelines will be followed for cleaning and disinfection of surfaces/areas. Present guidance for routine cleaning during a public health emergency includes:

1. Insofar as possible, employees and contractors will clean their own workspaces and public areas (such as a walk-up window).
2. Staff tasked with cleaning and disinfecting areas will be issued and required to wear PPE appropriate to the task.
3. Soiled surfaces will be cleaned with soap and water before being disinfected.
4. Surfaces will be disinfected with products that meet EPA criteria for use against the virus in question and that are appropriate for the particular surface.
5. Staff will follow instructions of cleaning products to ensure they are used safely and effectively.

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# **EMPLOYEE AND CONTRACTOR LEAVE**

Public health emergencies are extenuating and unanticipated circumstances in which the Town of Clinton is committed to reducing the burden on our employees and contractors. The *Families First Coronavirus Response Act* provided requirements related to the COVID-19 pandemic, which form the policies outlined below. This policy may be altered based on changes in law or regulation, as applicable.

It is our policy that employees of the Town will not be charged with leave time for testing. Employees will be provided with up to two weeks (eighty hours) of paid sick leave at the employee’s regular rate of pay for a period in which the employee is unable to work due to quarantine (in accordance with federal, state, or local orders or advice of a healthcare provider), and/or experiencing symptoms and seeking medical diagnosis.

Further, the Town will provide up to two weeks (eighty hours) of paid sick leave at two-thirds the employee’s regular rate of pay if the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to federal, state, or local orders or advice of a healthcare provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to the public health emergency, and/or the employee is experiencing a substantially similar condition as specified by the CDC and/or public health officials. This provision may be modified if an employee is able to work remotely and the need exists for him or her to do so.

Additionally, the Town will provide up to an additional ten weeks of paid expanded family and medical leave at two-thirds the employee’s regular rate of pay, where an employee who has been employed for at least thirty calendar days by the Town is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to the public health emergency. This provision may be modified if an employee is able to work remotely and the need exists for him or her to do so.

Additional provisions may be enacted based on need and the guidance and requirements in place by federal and state employment laws, the Family and Medical Leave Act, executive orders, and other potential sources.

Contractors, either independent or affiliated with a contracted firm, are not classified as employees of the Town and as such are not provided with paid leave time by the Town, unless required by law.

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# **DOCUMENTATION OF WORK HOURS AND LOCATIONS**

In a public health emergency, it may be necessary to document work hours and locations of each employee and contractor to support contact tracing efforts. Identification of locations shall include on-site work and off-site visits. This information may be used by the Town to support contact tracing within the organization and may be shared with local public health officials. The Town Supervisor or designee is responsible for handling and managing the information.

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# **HOUSING FOR ESSENTIAL EMPLOYEES**

There are circumstances in a public health emergency when it may be prudent to have essential employees lodged in such a manner that will help prevent the spread of the subject communicable disease to protect these employees from potential exposures, thus helping to ensure their health and safety and the continuity of the Town’s essential operations.

If such a need arises, hotel rooms are expected to be the most viable option. If hotel rooms are deemed not practical or ideal, or if there are no hotel rooms available, the Town Supervisor or designee will help identify and manage these housing needs.