

MEMORANDUM

CITY OF GRAND RAPIDS

DATE: May 29, 2020

TO: Top Management *MW*

FROM: Mark Washington, City Manager

SUBJECT: **City Manager Administrative Order 2020 – 04: Policy and Guidance Regarding Personnel Leave, Worksite Reporting and Return-to-Work Procedures [UPDATED]**

We continue to closely monitor the COVID-19 pandemic in collaboration with our partner agencies including the State of Michigan, Kent County Health Department, Kent County and our neighboring cities.

We have a responsibility to our residents and to our staff members. It is important to take steps to both protect our community and ensure continuity of essential city services.

Worksite Reporting and Return-to-Work Procedures

It is for the reasons stated above that I am ordering temporary changes to our return-to-work procedures that will be in place until 11:59PM on June 12, 2020:

1. Any employee shall not be permitted to report to their workplace under the following conditions:
 - a. Receives a COVID-19 diagnosis from a physician
 - b. Receives a presumptive positive test for the COVID-19 virus
 - c. Receives a laboratory-confirmed COVID-19 diagnosis
 - d. Displays symptoms consistent with the COVID-19 virus, to include
 - i. Fever of 100.4 F or higher
 - ii. Difficulty breathing or shortness of breath
 - iii. Persistent dry cough
 - iv. Any one of the above symptoms, combined with
 1. Body aches
 2. Sore throat
 3. Runny nose

2. Any employee with a positive or presumptive diagnosis of COVID-19 shall not return to the workplace until 72 hours after recovery and seven (7) calendar days have passed since symptoms first appeared.
 - a. Recovery is defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g. cough, shortness of breath).
 - b. An employee who stays home with symptoms, but does not receive a test or medical diagnosis should also follow these guidelines.
3. An employee who stays home with symptoms, but receives a diagnosis other than COVID-19 should observe current return-to-work practices based on that diagnosis.
 - a. This is typically 24 hours after the employee exhibits no fever without taking fever-reducing medications for those with cold or flu-like symptoms.
 - b. The same rule shall apply for an employee sharing a home with someone who displays symptoms, but receives a diagnosis other than COVID-19.
4. An employee sharing a home with someone with a positive or presumptive diagnosis of COVID-19 or an employee knowingly exposed with close contact to individual positively diagnosed with COVID-19 outside of the home may be permitted to continue work, provided they remain asymptomatic and additional precautions are implemented to protect themselves and the community.

A “potential exposure” means being in household contact or having close contact within six (6) feet of an individual with confirmed or suspected COVID-19 for a prolonged period of time (10+ minutes). The time frame for having contact with an individual includes the period of time 48 hours before the individual became symptomatic.

- a. An employee who has had an exposure but remains asymptomatic should adhere to the following practices prior to and during their work shifts:
 - i. Employee shall notify their supervisor of the situation.
 - ii. The supervisor should determine if the employee’s duties can be conducted at home, using telecommuting.
 1. If telecommuting is a viable option, the employee and supervisor will work with Labor Relations to make appropriate arrangements and the employee shall work from home for 14 days following the last known exposure.
 2. If telecommuting is not a viable option, the employee and supervisor(s) should follow the guidelines outlined in subsections iii-viii below.

- iii. A supervisor or designee should measure the employee's temperature at the beginning of the employee's shift and assess for the presence of respiratory symptoms consistent with COVID-19 prior to the employee starting work
 - iv. The employee's temperature should be taken every four (4) hours and they should remain alert for respiratory symptoms consistent with COVID-19 (cough, shortness of breath, sore throat).
 - v. The employee should wear a face mask at all times while in the workplace for 14 days after the last known exposure.
 - vi. The employee should maintain six (6) feet distance from others and practice social distancing as work duties permit.
 - vii. The supervisor shall work with Fleet and Facilities in order to ensure common areas and shared equipment is cleaned and disinfected regularly and appropriately.
 - viii. If no symptoms appear after 14 calendar days, the employee may then follow their department's regular health and safety practices and procedures for COVID-19 monitoring.
- b. If the employee becomes sick during the day, they should be sent home immediately and encouraged to use available telemedicine options or contact their primary care physician to receive medical guidance and diagnoses.
5. During this COVID-19 response, an employee returning to work is not to visit MED-1 for clearance to return to the workplace.
- a. Alternatively, employees should make every reasonable attempt to secure an Authorization to Return to Work from their primary care physician or through a Blue Cross Blue Shield telemedicine doctor.
 - b. All return to work documents must be submitted to the Risk Management Office with a copy to the employee's supervisor.
6. Supervisors must maintain information about employee illness as a confidential medical record, consistent with ADA/HIPAA guidelines.
7. Employees are encouraged to use available telemedicine options to receive medical guidance and diagnoses whenever possible.
8. These procedures may be extended as emergent circumstances require.

Applicability of Federally-Mandated Emergency Sick Leave (EPSL)

The Families First Coronavirus Response Act (FFCRA) provides up to 80 hours of paid sick time for employees. This benefit goes in to effect on April 2, and is not

retroactive. This applies to all City employees, regardless of duration of employment.

1. This benefit provides up to 80 hours of paid sick leave at the employee's regular rate of pay if the employee is unable to work because:
 - a. The employee is subject to quarantine or isolation pursuant to a Federal, State or local government order or the advice of a health care provider
 - b. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis
 - c. The employee is caring for an individual subject to quarantine or isolation pursuant to a Federal, State or local government order or the advice of a health care provider
 - d. The employee is caring for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19
2. Under the Governor's "stay at home" order, Section 1(a) above applies to any City worker who is not required to report to work for essential functions and cannot reasonably be expected to telework.
3. Emergency responders/employees working in essential functions must receive prior authorization from their supervisor and Labor Relations before utilizing EPSL for reasons other than 1(b) above.
 - a. "Essential functions" has been defined by the Department of Labor as "...law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility."
 - b. If an employee is uncertain of their status as an essential worker, they should verify with their supervisor and Labor Relations.
4. This benefit will apply to part-time employees based on their average number of hours worked.
5. Any employee wishing to take EPSL should do so through normal leave request processes.
6. Aside from this benefit, the City will continue to allow the use of an employee's accrued leave for issues related to COVID-19.

7. These rules may be subject to updates and modification based on new or updated federal laws and/or future guidance provided by the US Department of Labor.

Applicability of Federally-Mandated Extended FMLA Provisions

The FFCRA provides for an expansion to eligibility for the 12 weeks of family and medical leave provided through FMLA. This benefit goes in to effect on April 2, and is not retroactive. This applies for any employee who has worked at for City for at least 30 days prior to April 2, 2020.

1. This benefit is available to any employee who 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 COVID-19.
2. Emergency responders/employees working in essential functions must receive prior authorization from their supervisor and Labor Relations before utilizing this extended FMLA leave benefit.
 - a. "Essential functions" has been defined by the Department of Labor as "...law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility."
 - b. If an employee is uncertain of their status as an essential worker, they should verify with their supervisor and Labor Relations.
3. This benefit is paid at 2/3 the employee's regular rate of pay.
4. Use of EPSL or accrued leave subsequent to the April 2 effective date will apply toward the required two-week waiting period before FMLA benefits may be applied.
5. Employees seeking to use the expanded FMLA benefit should do so using the standard FMLA procedures through Human Resources.
6. These rules may be subject to updates and modification based on new or updated federal laws and/or future guidance provided by the US Department of Labor.

You are directed to implement these changes by Wednesday, April 1, 2020. Please work with your Deputy City Manager, Assistant City Manager or Managing Director to resolve any questions or concerns.

cc: Eric DeLong
Doug Matthews
Allison Farole