

**CITY OF DUVALL
WASHINGTON**

RESOLUTION NO. 20-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF DUVALL, WASHINGTON, ADOPTING A PUBLIC
HEALTH EMERGENCY AND/OR PANDEMIC RESPONSE
AND RECOVERY POLICY AND PROCEDURES.**

WHEREAS, the Mayor of Duvall declared an emergency on March 4, 2020 pursuant to RCW 38.52.070, for the purpose of protecting public health and our employees as necessary in response to a public health emergency; and

WHEREAS, there is a need for a policy and related procedures to outline the response and recovery related to public health emergencies; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUVALL, WASHINGTON, DO RESOLVE AS FOLLOWS:

Section 1. Adoption of a Public Health Emergency and/or Pandemic Response and Recovery Policy and Procedures: The Public Health Emergency and/or Pandemic Response and Recovery Policy and Procedures “Policy” is hereby approved as set forth on the attached Exhibit “A”. The Policy is adopted as the rules the City will follow in public health emergencies as defined within the Policy.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 2020.

CITY OF DUVALL

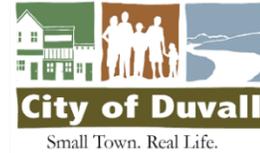
Approved as to form:

Mayor Amy Ockerlander

City Attorney

ATTEST/AUTHENTICATED:

Jodi Wycoff, City Clerk



TITLE:	Public Health Emergency and/or Pandemic Response & Recovery Policy & Procedures	
POLICY NUMBER:	20-01	
EFFECTIVE DATE:	March 17, 2020	
APPROVED BY:	Name: Amy Ockerlander	Title: Mayor
ATTORNEY REVIEW:	Ann Marie Soto and Rachel Turpin (Madrona Law Group)	

PURPOSE

The purpose of this policy is to provide guidance and establish procedures in the event a pandemic illness or public health emergency is expected to, or currently is taking place, which may affect the operations of the City of Duvall and/or pose a risk to the health or safety of staff and the community at large.

SCOPE

This policy applies to all City of Duvall departments and employees.

DEFINITIONS

- A. Closure Pay: Payment of regular wages and benefits during closure of City Facilities in the event of a pandemic, outbreak, or proclamation of a public health emergency.
- B. Outbreak: a widespread occurrence of an infectious disease in a community at a particular time with a hospitalization and/or mortality rate significantly higher than the common flu.
- C. Extra Duty Pay: An increase in regular wages of 5% FLSA- exempt employees (as defined below) who are called into a City Facility to perform essential work during a closure of said facility.
- D. Pandemic: a disease that is prevalent over a region, country, or the world.
- E. Public Health Emergency: An occurrence or imminent threat of an illness or health condition, caused by bio terrorism, epidemic or pandemic disease, or (a) novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents or permanent or long-term disability.

REFERENCES

- A. Chapter 70.05 RCW - Local Health Departments
- B. Chapter 70.08 RCW - Combined City-County Health Departments
- C. Chapter 70.26 RCW - Pandemic Influenza Preparedness
- D. RCW 38.52.070 - Emergency Powers
- E. City of Duvall Emergency Management Plan
- F. Washington Department of Health: doh.wa.gov
- G. Public Health - Seattle & King County: www.kingcounty.gov/depts/health.aspx

POLICY

It is the policy of the City of Duvall to take all appropriate measures needed to address a pandemic illness and to protect public health. Protecting the community and City staff is a top priority and this policy establishes some of the actions that may be taken, and the authority granted, to address a pandemic or other public health emergency.

PROCEDURES

The following procedures are established to minimize disease exposure and maintain continuity of City operations in the event that a pandemic or other public health emergency becomes a threat to the health or safety of City employees, their families, and the community at large.

Declaration of Pandemic and/or Public Health Emergency:

- A. Public health professionals at organizations such as the Centers for Disease Control and Prevention (CDC), Washington State Public Health Department, Washington State Governor, and/or King County/Seattle Public Health Department may declare that a pandemic, outbreak, or public health emergency exists. Such declarations may contain instructions or recommendations to both private and public sector entities. The City will follow all mandatory instructions and will implement recommendations to the extent it determines these to be applicable and/or feasible or practicable under the particular circumstances.
- B. Procedures to help minimize the spread of germs: Employees are urged to practice standard Non-Pharmaceutical Interventions ("NPI's"), including covering coughs by coughing into a tissue or, if a tissue is not available, into their elbows, regular hand washing, regular use of alcohol hand sanitizer, and avoiding touching eyes, nose, or mouth. Hands and work surfaces should be disinfected frequently. Employees are also urged to utilize social distancing such as maintaining a distance of six feet from others when practical to do so.

- C. Proclamation of Emergency/Disaster Due to Pandemic and/or Public Health Emergency: Upon the City's proclamation of emergency/disaster due to pandemic and/or public health emergency, the following shall apply:
- i. Employees who have a communicable illness or are experiencing symptoms of a communicable illness (as then-defined by the applicable health authorities), are prohibited from coming to work and are encouraged to consult their physician.
 - ii. Employees reporting to work who exhibit symptoms of a communicable illness, not seasonal allergies, will be sent home and encouraged to consult their physician. If a pandemic illness or outbreak becomes widespread in the community, as determined by state or local health authorities or the CDC, such that it rises to the level of a direct threat to other employees or the public, the City may require employees to have their temperature taken prior to reporting or returning to work. Unless otherwise prohibited by law, the employee shall be required to utilize accrued leave, if any, pursuant to the City's adopted personnel policies or the terms of any applicable collective bargaining agreement, if they are sent home due to symptoms of a communicable illness. In the event an employee is experiencing seasonal allergies, the symptoms of which closely resemble those of a pandemic illness, the City may recommend (or may require if authorized by law) that the employee obtain a doctor's note to confirm that the symptoms are caused by allergies and not a communicable illness, should the question arise.
 - iii. If the illness of an employee or member of an employee's household interferes with reporting to work in a timely manner, the employee is responsible for notifying their supervisor pursuant to the provisions of the personnel policies or the terms of any applicable collective bargaining agreement. Employees must not return to work until they have been free of illness symptoms (fever, chills, sore throat, etc.) for at least 24 hours (or any longer applicable period as determined by the appropriate health authority) or are deemed no longer infectious by a medical professional. The City may require employees who have been away from the workplace due to illness during a pandemic to provide a doctor's note certifying fitness to return to work.
 - iv. Except as otherwise prohibited by law, employees are required to first utilize their accrued sick leave and then any other accrued paid time off (vacation leave, compensatory time, or floating holidays) they so choose while recovering from, or caring for a spouse or dependent recovering from, illness covered by this Policy. Employees may elect to take unpaid time off, in lieu of using other accrued time.
 - v. If the school or place of care of an employee's child is closed due to pandemic, the employee may use accrued sick leave (or other accrued paid time off, to the extent the employee does not have sufficient sick leave), to care for the child.
 - vi. Employees may donate accrued sick leave to employees who do not have enough accrued leave balances to cover their absence, in accordance with the City's shared leave policy.

- vii. Employees that do not have sufficient accrued leave may still take leave time creating a leave deficit, not to exceed twelve (12) days or ninety-six (96) hours, provided that additional leave will not be provided outside the scope of emergency. The leave deficit may not exceed a typical year's sick time accrual of 12 days (96 hours). Repayment of the deficit will be at a rate of 0.5 the number of sick time hours accrued in subsequent pay periods until no deficit remains. In addition, an employee that utilizes advanced leave and separates employment from the City of Duvall will need to compensate the City for the balance of monetary value of such employee's leave deficit. Employees also have the option of taking unpaid leave at the discretion of the Mayor or his/her designee.

Employees who accrue a deficit in leave time, shall re-pay this leave time at a rate of 50% of continued accrual per month, until the deficit has been satisfied. This method of repayment will allow the employee to continue to accrue time necessary for future sickness or medical needs.

D. When quarantine of an employee is ordered by State or County Health Officials due to an illness covered under this Policy, employees may use accrued sick leave (or other accrued paid time off, to the extent the employee does not have sufficient sick leave) for the period of quarantine. In the event an employee has no remaining paid time off, the employee may take leave without pay at the discretion of the Mayor or the Mayor's designee. If quarantine of an employee is necessary due to a verified work-related exposure to an outbreak or pandemic illness, the employee shall be placed on paid administrative leave for the duration of their quarantine.

F. At the discretion of the City Administrator or designee, City Facilities may alter their business practices, hours of business, and services provided. Examples of potential measures that could be taken include but are not limited to:

- i. The City may implement temporary emergency procedures to minimize in-person contact between employees. Such measures may include greater use of e-mail, phone, and teleconferences as opposed to in-person meetings and contact.
- ii. Reduced Reception and Front Counter Service: The City may alter how it conducts business with the public by limiting or halting services at counters/areas of City facilities where front-line services are typically provided.
- iii. Partial Work from Home Schedules: Some staff may be permitted or assigned to work from home, in the City's sole discretion.
- iv. Full or Partial City Facility Closure: City Facilities may be partially or fully closed. During closure, staff who are able to reasonably work from home, whether in full or partial shifts, will be allowed by the City to do so, and department directors and supervisors will coordinate this directly with the subject employees. To the extent they are not able to fully or partially work from home, staff will be provided Closure Pay in accordance with the provisions in this policy.
 - 1. In the event City Facilities are closed, Fair Labor Standards Act (FLSA) Non-Exempt staff will receive Closure Pay for those hours in which they are unable to work from home (fully or partially). Closure Pay will only be made

available to staff who are scheduled to work on the day(s) on which City Facilities are closed. Those who are on a planned absence, such as vacation leave and were not recalled back to work will not receive Closure Pay. Any employee already on sick leave shall be eligible for Closure Pay in lieu of continued use of sick leave once Closure Pay is in effect.

2. FLSA Non-Exempt staff who are called into a City work site from home when City Facilities are closed or who, by the nature of their positions, cannot work from home during a closure, will receive pay at the rate of time and a half for all work carried out on site during said closure. Such premium pay shall be credited against any overtime pay the employee may earn during the applicable work week (i.e., the employee shall not receive "double overtime").
3. All FLSA Exempt employees who work during a closure shall receive Closure Pay for all hours actually worked. If such an employee is called into a City Facility to perform essential work during a closure of said facility, they shall receive Extra Duty Pay, provided they accurately track and report their hours worked onsite.