



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	12/09/2020	Department	City Council
Agenda Item	4.d Consider and Possibly Adopt the Following Policies (see below)		
Est. Cost	n/a		

Background Information

4.c.i. City of Gardiner COVID-19 Policy
 4.c.ii. Binex-Now Rapid Testing Policy
 4.c.iii. Earned Paid Leave Policy

Attached are three proposed policies for the City Council's consideration.

The first policy is regarding how the city will act when an employee produces a COVID positive result or has an exposure to the virus. Many municipalities are endorsing and adopting such a policy in these times. Please note that there is a provision that the Mayor has the authority to make emergency changes to the policy. This will alleviate the need to call an emergency Council meeting if the State of Emergency changes or orders come from the Governor indicating a needed change. The EOC team, with the Mayor, worked through this policy the past month.

The second policy is the Binex-Now Rapid Testing Policy. This policy basically describes how the available tests for team members will be administered in the City of Gardiner. This policy was drafted by Chief Sieberg.

The third policy is the Earned Paid Leave Policy. This policy must be adopted by the City Council as on 1/1/2021, the state has set statute to implement this. All details provided in this policy come from state statute.

Requested Action	'I move to adopt the City of Gardiner COVID-19 Policy, the Binex-Now Rapid Testing Policy and the Earned Paid Leave Policy as presented.'
City Manager and/or Finance Review	The City Manager recommends the above action.
Council Vote/ Action Taken	
Departmental Follow-Up	

City Clerk Use Only	1 st Reading _____	Advertised _____	EFFECTIVE DATE _____
	2 nd Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

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PURPOSE

The City of Gardiner shall establish a policy to provide regulations and procedures governing and amending practices, policies, and/or procedures when necessary during an epidemic and/or pandemic.

It is the policy of the City of Gardiner to provide a safe and healthy environment for all employees during the threat of an epidemic or pandemic virus, as classified by the World Health Organization (WHO) or United States Center for Disease Control (CDC).

The new coronavirus, COVID-19 being such a virus, is not a flu but a pneumonia-like infection. The Center for Disease Control (CDC) believes at this time that symptoms may appear in as few as two days or as long as 14 days after exposure.

This policy shall address impacts associated with the COVID-19 virus and any such other outbreaks.

APPLICABILITY

This policy is applicable to all City of Gardiner employees, whether Union or Non-Union, board members, and volunteers.

OBJECTIVES

The City's primary goal is to protect both Employees and Citizens by limiting the cross exposures while maintaining as high a level of service continuums as possible. The policy seeks to:

1. Reduce the spread of disease to and among staff.
2. Protect people at higher risk for complications from exposures.
3. Maintain critical operations through the protection of staff – public safety and health.
4. Minimize impacts on our community residents, customers and businesses.
5. Be proactive in the non-pharmaceutical public health intervention measures by taking medically advised measures to minimize risk.
6. Communicate the objectives of the policy as measures change.

This plan will be utilized in conjunction with the City of Gardiner Charter, Emergency Operations Procedures, City Code of Ordinance, Personnel Policy, Collective Bargaining Agreements, and all other City/Departmental operating procedures.

The City will continue to monitor all Executive Orders from the Governor, as well as recommendations from the Centers for Disease Control (CDC), and will make changes as deemed necessary based on these items.

With Council approval, the Mayor has the authority to make emergency changes to this policy.

KEY MUNICIPAL OPERATIONS

The City's primary goal is to provide services at normal operational levels, whenever possible. There may be a time when City operations may be reduced as a result of staffing levels. Staffing levels in each City Department will be determined by the City Manager, in consultation with the Department Head, Human Resource Officer, and Emergency Operations Center (EOC) team.

The Department Head shall establish the best means of communication with all staff members during the period that this policy is active, to provide updates and notifications of changes in operations. Administration will provide updates to keep the workforce informed about the outbreak, its progression, and any changes in needed responses when necessary.

If necessary, remote/telecommuting work will be provided with approval by the City Manager. Alternative work sites and/or provisions to work from home should be made when necessary. All employees are subject to recall at any time at the discretion of the Department Head and/or City Manager.

WORKPLACE EXPOSURE

The City seeks to protect all staff by assessing and addressing workplace exposures as communicated by the WHO, CDC, MECDC, and Maine EMS. Exposures shall be controlled as much as physically possible by following recommendations by the CDC.

The City will further seek to limit non-employee access into facilities, reduce or eliminate all public hearings, eliminate the use of facilities for meetings, and by making available to the greatest extent possible the action of business by electronic means, telephonic means, or the use of mail.

All municipal services are essential to certain people at any given point in time. Therefore the preservation of services will be made in all Departments. Specific emphasis is placed on Public Safety and Administrative support for Emergency Services, maintenance of public infrastructure, and the financial support of operations.

All closures of the City government operations as a whole shall be at the discretion of the City Manager, in consultation with the City Council and the Emergency Operations Center (EOC) team, and with guidance from State and Federal Emergency Management Agencies.

ABSENCE FROM WORK AND EMPLOYEE PAY

Employees may be absent from work during the time this policy is in place. The City Manager will make the final determination as to whether or not an employees' absence will be covered under this policy, or if it will be covered under the Personnel Policy or Collective Bargaining Agreement.

Any time missed by employees due to COVID-19 shall be tracked thru payroll utilizing the COVID-19 pay codes. The Human Resource/Finance Director will track employee leave time.

The City reserves the right to review on a case-by-case basis and make adjustments to this section of the policy as needed for a specific case.

Emergency Paid Sick Leave

On March 18, 2020, the President signed into law the Families First Coronavirus Response Act, which includes several payroll-related provisions. Under this law, employers must provide two weeks of paid sick leave (up to 80 hours) to their employees (including part-time employees).

The leave must be provided in instances where an 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 who is subject to a quarantine order or has been advised to self-quarantine.
5. Is caring for a son or daughter and the child's school or place of care has been closed, or the childcare provider is unavailable due to COVID-19 precautions.
6. Is experiencing any other substantially similar condition.

Under the law paid sick leave is to be calculated based on the greater amount of the employee's regular rate of pay, based on a two-tiered pay rate:

- If the employee's sick leave is for reasons 1, 2, or 3 above, the pay is calculated based on the full amount the employee would have been paid (capped at \$511 per day).
- If the employee's sick leave is for reasons 4, 5, or 6 above, the pay rate is two-thirds of the full pay amount (capped at \$200 per day). Employees may utilize accrued vacation or sick time to bring their weekly pay to their normal weekly base pay.

Whenever possible, employees may be required to work remotely during the quarantine period. Anyone working remotely will not be charged leave time. Remote work must be approved by the Department Head and City Manager.

Although the law states that an employee is only eligible for up to 80 hours of paid leave, the City will be paying up to two weeks of emergency paid sick leave based on the number of hours an employee normally works in a week.

1. Non-Union, AFSCME Union, – up to 75/80 hours of paid leave
2. Police Union – up to 80 hours of paid leave
3. Fire Union – up to 84 hours of paid leave
4. Part Time – average hours based on last four (4) work weeks, or regular scheduled weekly hours (ie. If employee always works 20 hours per week, the employee would be eligible for up to 40 hours of paid leave).

Anyone that must be out longer than two weeks may qualify for unpaid Family and Medical Leave Act (FMLA), based on the requirements of that law. Employees can utilize accrued leave time, if approved for FMLA.

Emergency Family and Medical Leave

Effective April 2, 2020 through December 31, 2020, the legislation expands the reason for which Family and Medical Leave Act (FMLA) leave may be taken to include where an employee is unable to work (or telework) due to a need to leave to care for a son or daughter under 18 years of age, and the child's school or place of care has been closed or a child care provider is unavailable due to a public health emergency.

Eligible employees may take up to 12 weeks of this emergency leave, with the first two weeks being unpaid (employees may substitute accrued leave time for the first two weeks), and the remaining 10 weeks being paid at a rate of at least two-thirds of the employee's regular rate of pay, not to exceed \$200 per day.

Employees may utilize accrued leave to bridge the gap between the \$200 per day and the full amount the employee would have been paid. Contact Human Resources to determine the amount of leave accrual you would be required to use to bring your pay back to the full amount.

Other Leave

The City Manager, Human Resource Director, or Department Head may request at any time an employee be tested for COVID-19 or seek physician evaluation. This is especially important if an individual with signs and symptoms relating to COVID-19 has had contact with coworkers, of which testing should be conducted immediately. Testing or physician evaluation may also be required prior to returning to work after an illness. The purpose of the policy is to protect our employees from exposure and allow the City to take appropriate action to mitigate spread of COVID-19 throughout the workplace.

1) Symptoms

a) Lower Risk Symptoms

- i) New Headache
- ii) Muscle pain (myalgia)
- iii) Runny nose / congestion
- iv) Nausea or vomiting / stomach pain / diarrhea
- v) Any of the above symptoms present beyond what you typically experience (ie. You have allergies, etc.)

b) Higher Risk Symptoms

- i) New uncontrolled cough
- ii) Shortness of breath or difficulty breathing (not exercise induced asthma)
- iii) New loss of taste or smell
- iv) Fever (100.4 or higher)
- v) Chills / rigors (shaking)
- vi) Sore throat

2) Illness

a) Employee exhibits symptoms – no immediate test performed

- i) If an employee exhibits symptoms consistent with COVID-19 (fever, coughing, shortness of breath), the employee will stay home and will be paid as follows:
 - (1) If eligible, the employee will be paid utilizing the Emergency Paid Sick Leave.
 - (2) If the employee is not eligible or has utilized time under the Emergency Paid Sick Leave for any reason, the employee can utilize accrued leave time (sick, vac., etc).
 - (3) Employee may choose to utilize unpaid leave but will be responsible for any current employee deductions.
- ii) The employee will continue to stay out of work until all of the following are met:
 - (1) If the employee has 1 low risk symptom that is uncommon to your personal health:
 - (a) Must stay home for at least 24 hours
 - (b) May return to work if symptom is improving AND no new symptoms have developed
 - (c) Must be vomiting and diarrhea free for 24 hours
 - (2) If the employee has 1 or more high risk symptom(s), or 2 or more low risk symptoms:
 - (a) Must consult with a healthcare provider to determine if a COVID test is required
 - (b) Fever free for 72 hours without fever reducing medications
 - (c) Symptoms improving (including vomiting and diarrhea free for 24 hours)
 - (3) If the Healthcare Provider or the City requires the employee to be tested, the employee will continue to remain out of work until the employee receives a negative test result.
- iii) Fire and Police personnel will continue to stay out of work based on the guidelines from Maine EMS, as attached in Appendix A.

b) Employee exhibits symptoms – subsequently tests positive

- i) If an employee exhibits symptoms consistent with COVID-19 (fever, coughing, shortness of breath) and tests positive for COVID-19, the employee will stay home and will be paid as follows:
 - (1) If eligible, the employee will be paid utilizing the Emergency Paid Sick Leave, or
 - (2) The employee will be placed on paid administrative leave after the Emergency Paid Sick Leave has expired.
- ii) The employee will continue to stay out of work until the following are met:
 - (1) At least 72 hours since resolution of fever without the use of fever-reducing medications,
 - (2) Improvement in respiratory symptoms (e.g. cough, shortness of breath),
 - (3) At least 10 days have passed since testing positive.
- iii) Fire and Police personnel will continue to stay out of work based on the guidelines from Maine EMS.

- c) Employee's child, spouse, or household member exhibit symptoms
 - i) If an employee's child, spouse, or household member exhibits symptoms consistent with COVID-19, the employee will stay home and utilize paid leave.
 - ii) If the employee's child, spouse, or household member tests positive for COVID-19, the employee will be credited all paid leave and placed on paid leave for the 10 days that the child, spouse, or household member is in isolation and for additional 14 days required for the employee to quarantine after isolation. The employee will be required to provide medical documentation that he/she is cleared to return to work.

- 3) Child Care due to school closure
 - a) Employees will be paid under the Emergency Paid Leave, if eligible.

 - b) Employees that do not qualify or have utilized their leave under the Emergency Paid Leave, will be paid using the Emergency Family Medical Leave.

- 4) Travel outside of the State of Maine for nonrelated work
 - a) Employees traveling outside of the State of Maine after September 23, 2020
 - i) Employees will not be required to quarantine for 14 days after returning to the State of Maine for states approved in accordance with the Governor's most recent State of Emergency Order.

 - b) If an employee travels to/from any State not approved by the Governors' orders for nonrelated work, the employee must:
 - i) Show proof of a negative COVID-19 test, or
 - ii) Self-quarantine for 14 days and use accrued vacation time or unpaid time. (Depending on the position and job duties, the Department Head may approve employee to work remotely during this 14-day quarantine.)

 - c) If the employee exhibits any symptoms of COVID-19 during the 14 calendar days, the employee will follow the rules outlined in 1 of this section of the policy.

- 5) Individuals with chronic medical conditions
 - a) Individuals with chronic medical conditions that receive a medical certification from a treating physician stating the employee must self-quarantine will be paid under the Emergency Paid Sick Leave, if eligible.

 - b) Employees may qualify for unpaid Family and Medical Leave (FMLA). Employees can choose to utilize accrued leave if approved for FMLA.

 - c) If an employee does not qualify for FMLA, the employee may choose to utilize accrued leave or unpaid leave. Anyone choosing to use unpaid leave will be responsible for any current employee deductions.

EMPLOYEE RESPONSIBILITIES

- 1) **Employees must immediately notify**, by phone or email only, their supervisor or Department Head, if they:
 - a) Have experienced an exposure or received a presumed or confirmed diagnosis of COVID-19.
 - b) Are exhibiting symptoms associated with the virus as listed in Other Leave, Section 1:
 - i) Have 2 or more low risk symptoms, or
 - ii) 1 or more high risk symptoms
- 2) **If an employee feels that they have contracted COVID-19 as a result of their employment**, the employee must file a First Report of Injury with their Supervisor/Department Head immediately. The First Report of Injury will be filed with the Human Resource Director by email as soon as it has been completed.
- 3) Department Heads and Supervisors are responsible for being vigilant and watchful for employees who appear sick. If the supervisor suspects an employee is sick, the best way to verify this is to ask the employee whether the employee has a fever. If the supervisor believes the employee has a fever, the employee should be sent home, seek medical attention, and must receive medical clearance prior to returning to work.

OTHER IMPORTANT INFORMATION

PPE

The City will purchase necessary PPE items. Items that may be included in purchasing are: cleaning supplies, personal protective items (gloves, masks, gowns, etc), signs for department closures, etc. This list is not all inclusive.

Notification of closures to the public

Departments will place signs on all entrances including the following:

1. Level of accessibility to the building.
2. If no access, contact information for the department.

Housekeeping

1. Any employee needing to take paperwork directly from the public will be provided with protective gloves and should remain behind window shields whenever possible.
2. Each office shall establish a six-foot social buffer where possible for individuals to deposit papers, applications, or other materials and receive confirmation of receipt verbally.
3. All departments should utilize approved disinfectant wipes on door handles and other public surfaces to lessen exposure. Facilities will increase the frequency and focus of such cleanings throughout the time of this Policy, giving first priority to public entrances and/or lobbies.

Public Safety Employees

Staff working in public safety, such as Fire, EMS, and Police should consider immediately showering and changing clothing at the end of each shift (before going home). For those involved in EMS operations, immediately after being exposed to a potential Person under Investigation (PUI) to minimize risk of exposure to family members.

Closure after positive test

If an employee is diagnosed/confirmed positive with the virus, the workplace shall be shut down and disinfected before allowing other employees to return.

Confidentiality

Employee CONFIDENTIALITY is REQUIRED in accordance with City Policy and Health Insurance Portability and Accountability Act (HIPAA).

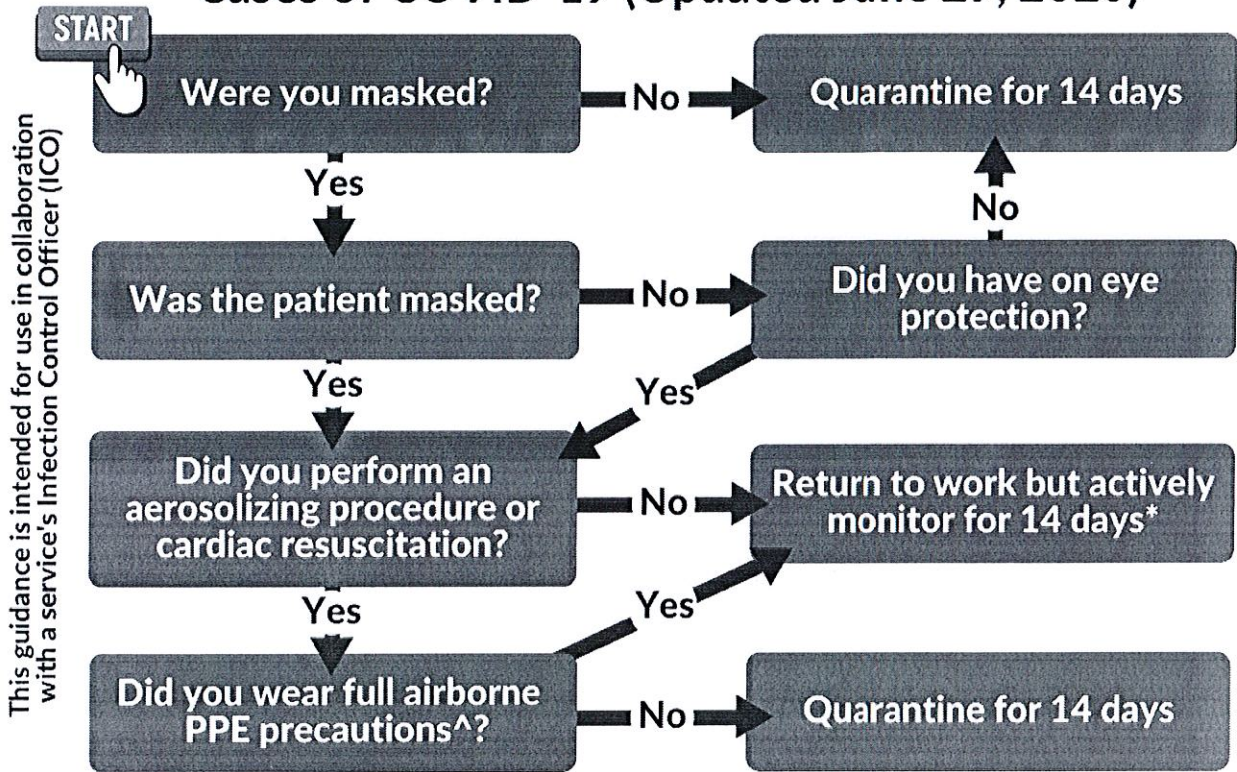
Face Coverings

1. Effective October 13, 2020, Governor Mills' executive order 14 FY 20/21, face coverings must be worn in portions of municipal, county and state government buildings and grounds that are typically accessible to the public, including parking lots, walkways, lobbies, waiting areas, elevators, service desks, and related hallways. This includes all employees and members of the public.
2. Employees working in personal offices will not be required to wear face coverings unless another individual has entered the office.

APPENDIX A

MAINE EMS GUIDANCE – FIRE AND POLICE PERSONNEL


Quarantine Guidance for EMS Clinicians Exposed to Confirmed Cases of COVID-19 (Updated June 29, 2020)



This guidance is intended for use in collaboration with a service's Infection Control Officer (ICO)

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^ Full airborne PPE precautions include an N95 respirator (equivalent or higher), gloves, gown, and eye protection
 * Actively monitoring means daily symptom and temperature checks (on and off duty)
 Note: This is interim guidance and is subject to change, current as of June 29, 2020.

For More Information Including an Up to Date List of Signs/Symptoms: 



APPENDIX B

MAINE EMS GUIDANCE – UNDERSTANDING COVID-19 CONTACT

What is a COVID-19 case?



A patient who has a diagnosis of COVID-19

Required Action: Isolate.

Separate from people who are not sick to avoid spreading illness

Information is subject to change, current as of June 29, 2020

What is a contact?



An individual who had close contact while the case patient was infectious but is not symptomatic or confirmed positive

Required Action: Quarantine.

Stay at home to limit community exposure to illness and monitor for development of signs/symptoms

What is a contact of a contact?



An individual who had or continues to have close contact with a contact

Required Action: Vigilance.

Practice everyday preventive actions including hand washing, use of face coverings, covering coughs and sneezes, and clean surfaces frequently. Monitor for symptoms.

For more information:

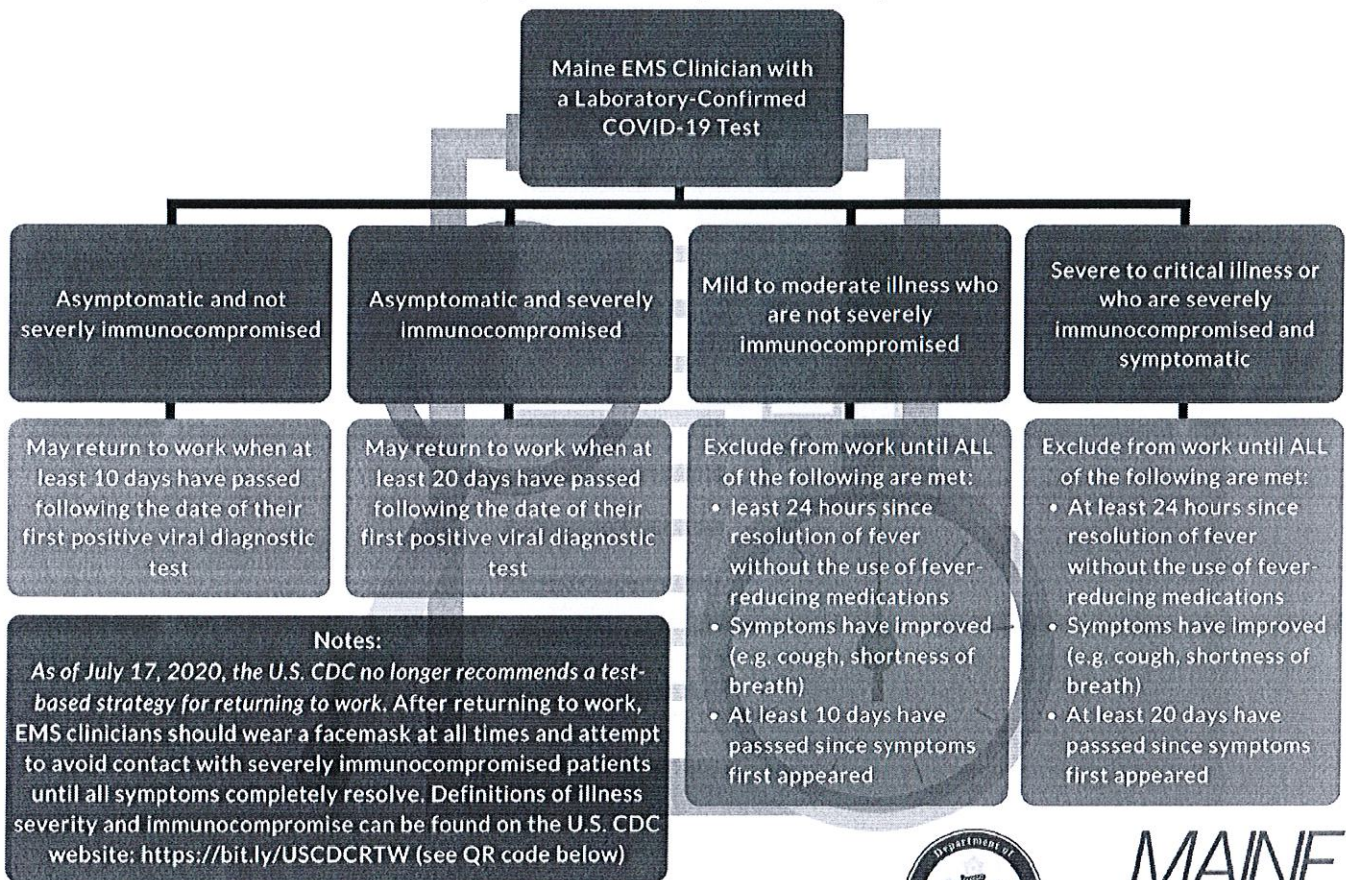


MAINE EMS

APPENDIX C

EMS CLINICIAN RETURN TO WORK GUIDANCE AFTER POSITIVE COVID-19 TEST

EMS Clinician Return to Work Guidance After Positive COVID-19 Test (Updated July 29, 2020)



For More Information:
 Note: Interim guidance and is subject to change. Information current as of July 29, 2020





CITY OF GARDINER FIRE & RESCUE DEPARTMENT



Chief Richard F. Sieberg

November 16, 2020

GENERAL ORDER LANGUAGE (DRAFT) BINEX-NOW RAPID TESTING

Use of these devices on persons prior to symptom onset or when asymptomatic are not recommended and may result in inaccurate results (i.e., false negative – individual is positive for COVID-19, but the test says negative).

Procedure

Tests are currently reserved for employees who are Fire/EMS responders, Police officers, Public works plow operators, Public Works mechanics, Waste Water Plant Operators and Buildings and Grounds employees actively showing signs and symptoms of COVID-19. It is understood that circumstances may necessitate non-essential employees be tested due to interaction with essential employees.

Employees should not report to work when they are exhibiting any signs or symptoms of COVID 19. (i.e.; Fever 100.4 or higher, Cough, Constant Sneezing, Nasal Congestion, Sore Throat, new loss of taste or smell)

In the event an employee begins experiencing any of the listed symptoms while on-duty, the employee must do the following:

- Ensure they are appropriately masked
- Seek appropriate medical attention if needed
- Notify their immediate supervisor
- Prepare to leave your shift with the least amount of contact with other employees
- Isolate in their own vehicle and await instructions for Rapid COVID Testing to be completed (Depending on the weather conditions, we may request the employee pull into the fire bay for a more conducive testing environment. Employee should not exit their car)
- Once the test has been administered, the employee may wait the 15 minutes for the results or head directly home and await the call from the tester.

Managers/Supervisors

Department Heads/Supervisors or their designee, should contact Chief Rick Sieberg at 620-0217 or through Dispatch at 624-7076. Instruct the employee to drive to the public safety building and wait for Chief Sieberg. In the event Chief Sieberg is not available, he will provide the employee an alternative testing opportunity.

ENSURE SYMPTOMATIC EMPLOYEE REMAINS ISOLATED FROM OTHERS

Test Results

Our current guidance does not allow us to use any results for return to work decisions, unless the department cannot safely carry out their mission due to staffing shortages. They are also not to be used for return from travel. Symptomatic individuals are not allowed to be at work until symptoms have resolved without medication assistance for 24-hours.

Negative Results- A negative BinaxNOW result suggests that the symptomatic individual does not have COVID-19 and the symptoms currently being expressed are attributed to another irritant, viral, or bacterial infection. These individuals **MUST** be sent home as they should not work while sick; however, they may return to work 24 hours after becoming symptom-free without medications aimed at addressing the symptoms (e.g., Tylenol when used for fever control). Individuals whose symptoms progressively worsen or are persistent more than three to four (3-4) days should seek medical care and receive a confirmatory COVID-19 PCR test.

Positive Results- Due to the relatively low incidence of disease within the State of Maine, there is an increased risk of false positives. However, if someone is swabbed and tested using the BinaxNOW system and the results are positive, they will be treated as though they are currently infectious and will begin isolation for ten (10) days. Therefore, it is important that anyone receiving a positive result seek a PCR COVID-19 test within 24 hours but no later than 48 hours. Positive results from the BinaxNOW COVID-19 Antigen test mean that the individual will now be identified as a probable COVID-19 case until confirmed or proven otherwise by PCR testing. If the PCR test collected within 48 hours of the antigen test yields a negative result, the individual may return to work 24 hours following the resolution of symptoms without medications aimed at addressing the symptoms. Due to the risk of false positive results, individuals who receive a positive result on the BinaxNOW Antigen Test must receive a PCR test within 24 hours, but no longer than 48 hours after the initial positive on the BinaxNOW device.

Earned Paid Leave Policy

Earned Paid Leave: Any employee who works more than 120 days in any calendar year shall be entitled to earned paid leave.

Accrual of Earned Paid Leave: Employees will earn one hour of paid leave for every 40 hours worked, up to 40 hours in one year of employment. Accrual of leave begins on start of employment with a maximum of 40 hours allowable at any time. Accrued time will be posted at the end of each quarter of the calendar year and will start January 1, 2020; the date of the adopted State statute.

Use of Earned Paid Leave: Once employees have been employed for 120 calendar days, they may use earned paid leave for any reason and can use it in increments of 1 hour. Earned Paid Leave will be paid at the employee's regular rate of pay.

Notice Requirements: Employees must provide prior notice to their supervisor of their intent to use this leave, unless leave is for an emergency, illness, or other sudden necessity where advance notice may not be feasible.

Leave Accrual upon Separation: Accrued leave has no cash out value. However, all unused accrued leave (up to 40 hours) will be paid to the employee at time of separation.