

RESOLUTION – 2022
A RESOLUTION REQUIRING CITY EMPLOYEES TO
COMPLY WITH CERTAIN PUBLIC HEALTH
REQUIREMENTS

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (“COVID-19”) that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another,

WHEREAS, COVID-19 has been confirmed in New Mexico since March 11, 2020, when the New Mexico Department of health confirmed the first cases on individuals infected with COVID-19 in New Mexico and additional cases have been confirmed each day since then;

WHEREAS, on March 11, 2020, because of the spread of COVID-19, Governor Grisham issued Executive Order 2020-004 declaring that a Public Health Emergency existed in New Mexico under the Public Health Emergency Response Act, and invoked her authority under the All-Hazards Emergency Management Act;

WHEREAS, Governor Grisham has renewed the declaration of a Public Health Emergency through May 4, 2022;

WHEREAS, the currently available COVID-19 vaccines are a safe and effective way of preventing serious illness or death;

WHEREAS, regular testing and social-distancing remain some of the most effective ways to minimize the spread of COVID-19.

NOW, THEREFOR, I, Chon Fierro, Mayor of the City of Bayard, hereby adopt the provisions of Executive Order 2022-010 regarding use of masks, vaccinations, and testing requirements; and hereby ORDER and DIRECT as follows:

1. City employees shall comply with the provisions regarding the use of masks contained in the operative Public Health Order issued by the Secretary of the Department of Health during the course and scope of their employment.
2. City employees who (i) are not fully vaccinated against COVID-19, as defined by the Centers for Disease Control and Prevention; (ii) have not received a booster dose of the vaccine, if eligible according to the FDA, by February 17, 2022, or within four weeks of becoming eligible; or (iii) are not willing or able to provide adequate proof of such

vaccination shall provide adequate proof that the employee has tested negative for COVID-19 on a weekly basis.

3. Any city employee who is not fully vaccinated or has not receive a booster dose of the vaccine, if eligible, and who tests positive for COVID-19 may return to work following the completion of any mandatory isolation period prescribed by the New Mexico Department of Health. A negative COVID-19 test result is not required to return to work, provided the employee completes the mandatory isolation period. All such employees who test positive for COVID-19 shall be exempt from the testing requirement in Paragraph 2 for a period of 90 days following the date of the employee's positive COVID-19 result.

4. Employees who refuse to abide by the above requirements may be subject to disciplinary action, up to and including termination, in accordance with applicable law.

5. City department heads shall ensure, consistent with law, that any documentation related to vaccination status, healthcare directives, or test results are not disclosed to individuals other than those necessary to ensure compliance with this Order.

6. The City Council shall approve the Guidance on the full implementation and administration of this Order, and COVID-19 mitigation, Self-screening, and Reporting Policy and Procedure, which shall be provided to the department heads.

I, FURTHER ORDER and DIRECT that this Order shall take effect immediately, and shall remain in effect until renewed, modified, or rescinded.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Bayard, New Mexico this 8th day of August 2022.

WITNESS MY HAND THE SEAL
OF THE CITY OF BAYARD

Chon S. Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

Guidance on Administrative Leave for COVID-19-Related Conditions

Purpose:

In consultation with the City Council, and pursuant to Personnel Ordinance 1-2015 A, Administrative Leave, the purpose of this memorandum is to authorize paid administrative leave for certain employees who meet one or more of the COVID-19-Related Conditions identified below beginning August 1, 2022.

Scope:

Paid Administrative Leave for COVID-19-Related Conditions, as described herein, is not an entitlement under federal law; it is a benefit authorized by the City Council, only for City of Bayard employees who meet the criteria set forth below, including term and temporary appointments.

Background:

On March 11, 2020, Governor Michelle Lujan Grisham issued Executive Order 2020-004, Order Declaring a State of Public Health Emergency and Invoking the Powers Provided by the All Hazard Emergency Management Act and the Emergency Licensing Act, declaring a public health emergency due to the spread of COVID-19 in New Mexico. That Order and the public health emergency have been renewed in subsequent Executive Orders.

COVID-19-Related Conditions:

1. The employee is subject to isolation or quarantine related to COVID-19 pursuant to government order or Agency policy;
2. The employee has been advised by a healthcare provider or the employee's Cabinet Secretary or Agency Head or Agency Human Resources to isolate or quarantine due to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis/ awaiting results of a COVID-19 test;
4. The employee is caring for an individual subject to an isolation or quarantine order related to COVID-19; or
5. The employee is caring for the employee's son or daughter under 18 years of age, if the school or childcare facility for the child has been closed or the caregiver or childcare provider of such son or daughter is unavailable because of a public health emergency.

Paid Administrative Leave for COVID-19-Related Conditions:

Due to the continuing public health emergency, and pursuant to Personnel Ordinance 1-2015 A, Administrative Leave, beginning August 1, 2022, paid administrative leave shall be available for employees who have one or more of the identified COVID-19-Related Conditions, as follows:

A. For employees who meet COVID-19-Related Conditions 1-4 as described above:

i. Mayor/Mayor Pro-tem may authorize administrative leave with pay for up to five (5) consecutive workdays when it is in the best interest of the City to do so. Under this subsection (i):

a. Administrative leave shall be granted only for the period of time an employee is unable to work from home or telework as a result of COVID19-Related Conditions 1-4.

b. Administrative leave may be granted intermittently to employees who meet COVID-19-Related Conditions 1-4 and are able to work from home or telework intermittently, but in no event shall extend past five (5) consecutive workdays total.

c. City Council approval is not required.

ii. Mayor/Mayor Pro-tem may authorize, administrative leave with pay in excess of five consecutive workdays and up to ten (10) consecutive workdays when it is in the best interest of the City to do so. Under this subsection (ii):

a. Administrative leave shall be granted only for the period of time an employee is unable to work from home or telework as a result of the COVID-19-Related Conditions 1-4.

b. Administrative leave may be granted intermittently to employees who meet COVID-19-Related Conditions 1-4 and are able to work from home or telework intermittently, but in no event shall extend past ten (10) consecutive workdays total.

B. For employees who meet COVID-19-Related Condition 5 as described above (caring for a son or daughter because school is closed), Mayor/Mayor Pro-tem may authorize up to twenty (20) hours of paid administrative leave per workweek for up to four (4) workweeks per employee request. Under this subsection (B):

i. Administrative leave shall be granted only for the period of time an employee is unable to work from home or telework as a result of COVID-19-Related Condition 5.

ii. Administrative leave may be granted intermittently to employees who meet COVID-19-Related Condition 5 and are able to work from home or telework intermittently, but in no event shall extend past twenty (20) hours per workweek for up to four (4) workweeks.

iii. Employees may work, work at home or telework, use accrued leave, or take leave without pay for the remainder of the workweek.

iv. Employees must have been employed with the City for at least thirty (30) days to be eligible for this paid administrative leave.

Unable to Work from Home or Telework:

An employee is "unable to work from home or telework" if the Agency has work or duties for the employee and one of the COVID-19-Related Conditions set forth in this Memorandum prevents the employee from being able to perform that work at home or by telework. If the City agrees that the employee will work the normal number of hours, but

outside of the employee's normally scheduled hours (for instance early in the morning or late at night), then the employee is able to telework or work from home and leave is not necessary unless a COVID-19-Related Condition prevents the employee from working that schedule or part of that schedule. Agencies should consider all viable options for work from home, telework, and flexible work schedules and collaborate with employees who meet COVID-19-Related Conditions 1-5 to achieve flexibility and meet mutual needs.

Work from Home or Telework:

For purposes of this Memorandum, "telework" means an employee who is working from home doing their normal/regular duties, making use of the Internet, email, or phone. "Work from home" is broader and means that an employee is working from home doing work, including work other than their normal/regular duties, that may not require Internet, email, or phone.

A detailed log of all work completed under the provision of "telework" or "work from home" shall be submitted to the department head upon return to work, or end of pay period. All logs shall be submitted to the payroll clerk for filing.

Part-time employees:

Part-time employees subject to the Personnel Ordinance who are unable to work from home or telework are eligible for Paid Administrative Leave for COVID-19-Related Conditions under the same conditions as stated herein. This includes part-time employees in term and temporary appointments subject to the Personnel Act.

Interaction with Family and Medical Leave Act (FMLA) Leave:

Paid Administrative Leave for COVID-19-Related Conditions will not count toward an employee's FMLA Leave entitlement.

Calculating Paid Administrative Leave for COVID-19-Related Conditions:

City Human Resources (HR)/or Payroll Clerk will calculate Paid Administrative Leave for COVID-19-Related Conditions 1-4 and enter it into Abila based on the employee's average number of work hours in a two-week period (the employee's normal hours scheduled). (For example, if an employee works an average of 76 hours per two-week period, and is otherwise eligible, they may receive 76 hours of Paid Administrative Leave for COVID-19-Related Conditions 1-4.) If an employee's normal hours scheduled are unknown, or if the employee's schedule varies, the department or agency may use a six-month average to calculate the average daily hours. If this calculation cannot be made because the employee has not been employed for at least six months, the City may use the number of hours that the employee and the City agreed that the employee would work upon hiring. And if there is no such agreement, the City may calculate the appropriate number of hours of leave based on the average hours per day the employee was scheduled to work over the entire term of their employment.

Additional Procedure:

- Employees may submit a request to the HR for Paid Administrative Leave for COVID19-Related Conditions. The City will provide HR with two (2) forms to request Paid Administrative Leave for COVID-19-Related Conditions, one for Conditions 1-4 as described above and one for Condition 5 as described above (caring for a son or daughter because school is closed). Due to social distancing requirements during this public health emergency, employees may sign and scan the form to HR. If they are unable to do so, they may contact their HR by email or telephone and HR may submit the form on their behalf. HR should include a copy of the email or specific reference to the telephone call on the form.
- For Conditions 1-4 as described above, once approved by the Mayor/Mayor Pro-tem, HR will notify the employee of Paid Administrative Leave status. The employee will then be required to follow city leave policy and procedures.
- For Condition 5 as described above (caring for a son or daughter), once approved by the Mayor/Mayor Pro-tem, HR will notify the employee of Paid Administrative Leave status. The employee will then be required to follow city leave policy and procedures.
- Paid Administrative Leave pursuant to this Memorandum is in addition to any sick or other leave the employee has accrued.
- Paid Administrative Leave for COVID-19-Related Conditions 1-4 should be coded by HR/Payroll as "PDCVL" in ABILA with the relevant COVID-19-Related Condition(s) indicated in the comment bubble on the timesheet.
- Paid Administrative Leave for COVID-19-Related Condition 5 (caring for a son or daughter because school is closed) should be coded by HR/Payroll as "PFCVL" in ABILA.
- The PDCVL and PFCVL codes are only available to and need to be entered into ABILA by HR/Payroll.
- The City has the authority to audit the use of paid administrative leave for COVID-19-Related Conditions.

CITY OF BAYARD
COVID-19 MITIGATION, SELF-SCREENING, AND REPORTING
POLICY AND PROCEDURE

1. PURPOSE

- 1.1.1 The CITY's goal is to return its employees to their designated workplace in municipal buildings and facilities safely while minimizing the risk of its employees contracting COVID-19. This Policy and Procedure provides direction and guidance to employees accordingly.
- 1.1.2 The CITY is requiring its employees to follow a COVID-19 Symptoms and Exposure Self-Screening Procedure and COVID-19 Safe Practices to reduce the possibility of COVID-19 transmission in our buildings and facilities. The COVID-19 Symptoms and Exposure Self-Screening Procedure and COVID-19 Safe Practices are set out below.
- 1.1.3 If any provision of this Policy and Procedure is in conflict with an Executive Order or Public Health Order, the Executive Order or Public Health Order shall control.

2. REFERENCES

- New Mexico Department of Health (NMDOH), *Policies for the Prevention and Control of COVID-19 in New Mexico* (January 13, 2022):
<https://cv.nmhealth.org/wp-content/uploads/2022/01/EPI-COVID19-Containment-Policies-1.13.2022.pdf>
- NMDOH COVID-19 website:
[NMDOH - Coronavirus Updates | Coronavirus Updates in New Mexico \(nmhealth.org\)](https://nmhealth.org/coronavirus/)
- Centers for Disease Control and Prevention (CDC), *Ending Isolation and Precautions for People with COVID-19: Interim Guidance* (updated December 28, 2021):
[Ending Isolation and Precautions for People with COVID-19: Interim Guidance \(cdc.gov\)](https://www.cdc.gov/media/releases/2021/s1228-covid19-isolation.html)
- CDC, *Quarantine and Isolation* (updated January 4, 2022):
[COVID-19 Quarantine and Isolation | CDC](https://www.cdc.gov/media/releases/2022/s0104-covid19-quarantine.html)
- CDC, *How to Protect Yourself & Others* (updated November 29, 2021):
[How to Protect Yourself & Others | CDC](https://www.cdc.gov/media/releases/2021/s1129-covid19-protect.html)
- CDC, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities* (updated June 9, 2021):
[Guidance on Management of Coronavirus Disease 2019 \(COVID-19\) in Correctional and Detention Facilities | CDC](https://www.cdc.gov/media/releases/2021/s0609-covid19-correctional.html)
- CDC, *Guidance for Wearing Masks* (updated April 19, 2021):
[COVID-19: Considerations for Wearing Masks | CDC](https://www.cdc.gov/media/releases/2021/s0419-covid19-masks.html)
- CDC, *Cleaning and Disinfecting Your Facility* (updated November 15, 2021):
[Cleaning and Disinfecting Your Facility | CDC](https://www.cdc.gov/media/releases/2021/s1115-covid19-cleaning.html)
- CDC, *Stay Up to Date with Your Vaccines* (updated January 5, 2022):
[Stay Up to Date with Your Vaccines | CDC](https://www.cdc.gov/media/releases/2022/s0105-covid19-vaccines.html)
- CDC, *CDC Expands COVID-19 Booster Recommendations* (November 29, 2021):
[CDC Expands COVID-19 Booster Recommendations \(November 29, 2021\):](https://www.cdc.gov/media/releases/2021/s1129-covid19-booster.html)

[CDC Expands COVID-19 Booster Recommendations | CDC Online Newsroom | CDC](#)

- [CDC, *CDC Updates and Shortens Recommended Isolation and Quarantine Period for General Population* \(December 27, 2021\):](#)

[CDC Updates and Shortens Recommended Isolation and Quarantine Period for General Population | CDC Online Newsroom | CDC](#)

- [CDC, *Quarantine & Isolation* \(updated January 9, 2022\)](#)

[COVID-19 Quarantine and Isolation | CDC](#)

- [Executive Order 2021-062 \(November 12, 2021\):](#)

[Executive-Order-2021-062.pdf \(state.nm.us\)](#)

- [Executive Order 2021-066 \(December 2, 2021\):](#)

[Executive-Order-2021-066-1.pdf \(state.nm.us\)](#)

- [U.S. Equal Employment Opportunity Commission \(EEOC\), *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws* \(updated December 16, 2020\):](#)

[What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)

- [EEOC, *Pandemic Preparedness In the Workplace and the Americans With Disabilities Act* \(updated March 21, 2020\):](#)

[Pandemic Preparedness in the Workplace and the Americans with Disabilities Act | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)

3. DEFINITIONS

3.1 **"Booster Dose"**: An additional dose of Pfizer-BioNTech or Moderna COVID-19 vaccine for an individual who has completed a primary series of Pfizer-BioNTech, Moderna, or Johnson & Johnson Janssen COVID-19 vaccination.

3.2 **"Close Contact"**: Within six feet for a cumulative total of 15 minutes or more over a 24-hour period. Wearing a mask or cloth face-covering does not affect the definition for Close Contact.

3.3 **"Common Areas"**: Any areas in State buildings, facilities, or property generally accessible to all occupants and available for use by more than one person, including but not limited to: entrance areas, hallways, conference rooms, auditoriums, multi-occupant offices, kitchens, bathrooms, and State vehicles. Single-occupant offices and cubicles occupied by a single employee are not Common Areas.

3.4 **"COVID-19 Infectious Period"**: For people who are COVID-19 positive, whether or not they have symptoms, the Infectious Period starts two days before symptoms begin and can extend up to 10 days after symptom onset or testing COVID-positive, whichever is longer. However, the highest period of infectiousness starts two days before symptoms begin and ends 3 days after symptom onset.

3.5 **"COVID-19 Symptoms"**: Fever (temperature of 100.4 degrees Fahrenheit or more), chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea.

3.6 **"Eligible for Booster Dose"**: All individuals 18 years of age and older are eligible to receive a Booster Dose five months after an individual's primary series of vaccination with Pfizer-BioNTech or Moderna COVID-19 vaccines or two months after an

individual's primary series of vaccination with Johnson & Johnson's Janssen COVID-19 vaccine.

- 3.7 **"Exposure" or "Exposed"**: Close Contact with a person with laboratory-confirmed COVID-19 during their COVID-19 Infectious Period, without the employee wearing Personal Protective Equipment.
- 3.8 **"Fully Vaccinated"**: Two weeks after an individual has completed the primary series of vaccination with a vaccine approved by the Food and Drug Administration, including on an emergency basis, to prevent COVID-19. An individual will be fully vaccinated two weeks after the second dose of the Pfizer-BioNTech or Moderna COVID-19 vaccines or two weeks after single-dose Johnson & Johnson's Janssen COVID-19 vaccine.
- 3.9 **"Human Resources"**: CITY Human Resources.
- 3.10 **"Isolation" and "Quarantine"**: Both Isolation and Quarantine are public health strategies that refer to someone being physically separated from other people to prevent the spread of a communicable disease. For purposes of this Policy and Procedure, "Isolation" separates people who are COVID-positive (with or without symptoms) from others who are not COVID-positive; "Quarantine" separates people who were Exposed to a COVID-positive person from others who are not COVID-positive while they monitor if they develop COVID-19.
- 3.11 **"New Diagnosis of COVID-19"**: The first positive COVID-19 test result received during a single COVID-19 infection.
- 3.12 **"Partially Vaccinated"**: An individual who has started, but not completed, their primary series of vaccination.
- 3.13 **"Personal Protective Equipment"**: At minimum, a mask, eye protection, gloves, and isolation gown. The CITY has discretion to require employees providing direct care to COVID-19 positive persons to wear additional forms of personal protective equipment. The CITY will provide training in the proper use of Personal Protective Equipment it requires its employees to use.
- 3.14 **"Primary Series of Vaccination"**: The first and second doses of the Pfizer-BioNTech and Moderna COVID-19 vaccines or the first dose of Johnson & Johnson's Janssen COVID-19 vaccine.
- 3.15 **"Proof of Vaccination"**: Proof of COVID-19 vaccination in the form of a CDC vaccine card or a vaccine record from the New Mexico Statewide Immunization Information System (https://nmsiis.health.state.nm.us/webiznet_nm_public/Application/PublicPortal), which indicates the name of the vaccine recipient, the date(s) the vaccines were received, and which COVID-19 vaccines were received.
- 3.16 **"Social Distancing"**: Maintaining a distance of at least six feet between individuals to limit the spread of COVID-19. Wearing a mask or cloth face-covering does not affect the definition for Social Distancing.
- 3.17 **"Telework"**: means a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the employee's assigned position location, during any part of regular, paid hours, including from an employee's residence.

- 3.18 **“Up to Date on COVID-19 Vaccinations”**: When an individual has received all recommended vaccine doses for which they are eligible. Currently an individual is Up to Date on COVID-19 Vaccinations if they are Eligible for a Booster and have received a Booster Dose or if they are not yet Eligible for a Booster but are Fully Vaccinated. An individual is not Up to Date on COVID-19 Vaccinations if they are not Fully Vaccinated, are Partially Vaccinated, or if they are Eligible for a Booster but have not received a Booster Dose.

4. POLICY

- 4.1 The **CITY** will take proactive steps to protect its employees and minimize the spread of COVID-19.
- 4.2 Completing the COVID-19 Symptoms and Exposure Self-Screening is mandatory for CITY employees each day they plan to enter a CITY or State building or facility.
- 4.3 Following COVID-19 Safe Practices is mandatory for CITY employees when they are in a CITY or State building or facility.
- 4.4 Any employee who fails to adhere to the COVID-19 Symptoms and Exposure Self-Screening Procedure, the COVID-19 Safe Practices, or any other provision of this Policy and Procedure set forth herein may be subject to disciplinary action, up to and including dismissal.
- 4.5 Any employee who harasses or discriminates against another employee due to the employee's mask-wearing or vaccination status in violation of CITY's **[ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICIES]** may be subject to disciplinary action, up to and including dismissal.
- 4.6 CITY shall work toward adopting applicable COVID-19 safe building guidance and procedures as recommended by the New Mexico Environment Department, Occupational Health and Safety Bureau (NMED-OSHA) found here: https://www.env.nm.gov/occupational_health_safety/wp-content/uploads/sites/18/2020/03/OSHA-COVID19-publication.pdf. CITY shall publish measures that ensure air ventilation standards are maintained.

5. PROCEDURES

5.1 Mandatory COVID-19 Symptoms and Exposure Self-Screening.

Prior to entering any municipal building or facility, all employees shall complete the COVID-19 Symptoms and Exposure Self-Screening (“Self-Screening”). The Self-Screening consists of three questions about an employee's COVID-19 status, COVID-19 Symptoms, and COVID-19 Exposure, which are based on recommendations from the CDC and the NMDOH with the goal of preventing infection in the workplace and minimizing the spread of COVID-19. Employees are required to be accurate and truthful in their self-assessment.

A. *Self-Screening Questions.*

Question 1: Have you received a New Diagnosis of COVID-19 in the last 5 days?

Question 2: Have you experienced any COVID-19 Symptoms in the past 24 hours?

Question 3: Have you been Exposed to COVID-19

in the last 10 days?

B. Analysis of Self-Screening Results.

1. **Employees may not come to the office or enter any municipal building or facility** if they answer yes to Question 1 (have received a New Diagnosis of COVID-19 in the last 5 days), until they have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
2. **Employees may not come to the office or enter any municipal building or facility** if they answer yes to Question 2 (have experienced COVID-19 Symptoms in the past 24 hours), until they have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
3. **Employees may not come to the office or enter any municipal building or facility** if they answer yes to Question 3 (have been Exposed to COVID-19 in the last 10 days) and are not Up to Date on COVID-19 Vaccinations, until they have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
4. **Employees may come to the office and enter municipal buildings and facilities** if they answer no to Questions 1, 2, and 3, i.e.:
 - No New Diagnosis of COVID-19 in the last 5 days,
 - No COVID-19 Symptoms in the past 24? hours, and
 - No COVID-19 Exposure in the last 10 days.
5. **Employees may come to the office and enter municipal buildings and facilities** if they answer yes to Question 3 (have been Exposed to COVID-19 in the last 10 days), as long as they answer no to Question 2 (have experienced COVID-19 Symptoms in the past 24 hours) and are Up to Date on COVID-19 Vaccinations, i.e.:
 - Yes, COVID-19 Exposure in the last 10 days,
 - No COVID-19 Symptoms in the last 24 hours, and
 - Yes, Up to Date on COVID-19 Vaccinations.

C. When Employee May Not Enter Municipal Building or Facility.

1. When an employee's Self-Screening indicates they may not enter a municipal building or facility:
 - The employee shall contact their supervisor immediately to indicate they did not pass their Self-Screening. The employee shall also follow the CITY's established call-in procedure.
 - The employee shall follow the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
 - The employee should request permission to Telework (unless they are too sick to do so). An employee who is unable to Telework or too ill to Telework may contact Human Resources to ask if they are eligible for COVID-19-Related Conditions Leave.
2. Any employee who enters a Municipal building or facility within 5 days of receiving a New Diagnosis of COVID-19, while experiencing COVID-19 Symptoms, or within 24 hours of experiencing COVID-19 Symptoms without having completed the *Isolation, Quarantine, and Testing Instructions* required

by Section 6 below, shall be sent home immediately and may be subject to discipline, up to and including dismissal.

3. Any employee who is not Up to Date on COVID-19 Vaccinations and enters a municipal building or facility within 10 days of a known COVID-19 Exposure without having completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below shall be sent home immediately and may be subject to discipline, up to and including dismissal.

D. *Additional Agency Screening*

1. It is within CITY's discretion to require its employees to record and submit their answers to the COVID-19 Symptoms and Exposure Self-Screening questions. If CITY collects employees' COVID-19 Symptoms and Exposure Screening responses and results, the Americans with Disabilities Act (ADA) requires that CITY treat such Screening responses and results as confidential medical information and maintain them separately from the employees' personnel files.
2. CITY is permitted to administer COVID-19 Symptoms and Exposure Screening to clients, customers, and other members of the public who seek to enter CITY's buildings. It is recommended that an agency maintain any Screening responses and results from members of the public for contact-tracing purposes for 60 days. During any period of time CITY maintains Screening responses and results from members of the public, it shall treat those responses and results as confidential medical information. CITY shall not ask clients, customers, or other members of the public seeking to enter CITY's buildings if they are vaccinated.

5.2 COVID-19 Safe Practices.

All employees shall take the following steps to reduce the transmission of COVID-19 in municipal buildings and facilities:

- A. *New Diagnosis of COVID-19 or COVID-19 Symptoms.* **DO NOT** report to any municipal building or facility if you received a New Diagnosis of COVID-19 in the last 5 days, if you are experiencing COVID-19 Symptoms, or if you have experienced COVID-19 Symptoms in the last 24 hours, regardless of vaccination status, until you have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
- B. *COVID-19 Exposure.* **DO NOT** report to any municipal building or facility if you have been Exposed to COVID-19 within the last 10 days and are not Up to Date on COVID-19 Vaccinations. Call your supervisor and follow the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
- C. *Wearing Masks.* Employees, regardless of vaccination status, must wear face masks or cloth face-coverings in all Common Areas and when performing field work in indoor settings. Masks must be well-fitted and cover both your mouth and nose. The CITY will provide disposable masks to employees as necessary. Any employee who fails to mask as required herein shall be directed to put on a face mask or cloth face-covering immediately and may be subject to discipline, up to and including dismissal. All employees may remove masks when alone inside a single-occupant office with the door closed in a CITY building or facility.

- D. *Social Distancing*. Employees, regardless of vaccination status, must maintain 6 feet distance from other employees, clients, and customers at all times in Common Areas and when performing field work in indoor settings, except when less distance is required for an employee to perform documented job duties. Any employee who fails to maintain Social Distancing as required herein shall be directed to follow the Social Distancing requirement immediately and may be subject to discipline, up to and including dismissal.
- E. *Avoid Using Others' Equipment*. Employees must avoid using other employees' phones, desks, offices, keyboards, mice, or other work tools and equipment, whenever possible, except when sharing equipment is required for an employee to perform documented job duties. Clean and disinfect hands and the equipment before and after use. The CITY will supply hand sanitizer, soap, and appropriate cleaning materials to employees as necessary.

5.3 COVID-19 Best Practices.

It is strongly recommended that all employees take the following additional steps to reduce the

transmission of COVID-19 in State buildings and facilities:

A. *Clean Hands*. Employees should wash their hands often with soap and water for at least 20 seconds, especially after they have been in a public place, or after blowing their nose, coughing, or sneezing. If soap and water are not readily available, employees should use a hand sanitizer that contains at least 60% alcohol to cover all surfaces of their hands and rub them together until they feel dry. The CITY will supply hand sanitizer to employees as necessary.

B. *Cover Mouth and Nose*. Employees should cover their mouth and nose with a tissue when coughing or sneezing or use the inside of their elbow.

C. *Avoid Touching Face*. Employees should avoid touching their face, nose, mouth, and eyes.

D. *Clean and Disinfect*. Employees should clean and disinfect frequently touched objects and surfaces in their office or workstation, including phones, keyboards, mice, doorknobs, and handrails. The CITY will supply appropriate cleaning materials to employees as necessary.

6. ISOLATION, QUARANTINE, AND TESTING INSTRUCTIONS

6.1 For Employees Not Up to Date on COVID-19 Vaccinations:

- A. If employee does not pass the COVID-19 Symptoms and Exposure Self-Screening, they must follow the Isolation, Quarantine, and Testing Instructions provided in the Chart below.

PLEASE READ EACH QUESTION CAREFULLY.

If employee answers **YES**, they *must* follow the instructions in **red**.

1. HAVE YOU RECEIVED A NEW DIAGNOSIS OF COVID-19 IN THE LAST 5 DAYS?

If you answered **YES** to Question #1:

- **IF NEW DIAGNOSIS OF COVID-19 AND NO COVID-19 SYMPTOMS, ISOLATE 5 days from test date.**

	• IF NEW DIAGNOSIS OF COVID-19 <u>AND</u> EXPERIENCING COVID-19 SYMPTOMS OR DEVELOP COVID-19 SYMPTOMS AFTER TESTING POSITIVE, ISOLATE at least 5 days from test date or symptom onset, whichever is longer, and until at least one day has passed without a fever and without fever-reducing medications and your symptoms have improved.
2. HAVE YOU EXPERIENCED ANY OF THE FOLLOWING COVID-19 SYMPTOMS IN THE PAST 24 HOURS THAT ARE INCONSISTENT WITH AN EXISTING DIAGNOSIS? ✓ Fever (100.4 degrees Fahrenheit or more) ✓ Chills ✓ Cough ✓ Shortness of breath or difficulty breathing ✓ Fatigue ✓ New loss of taste or smell ✓ Congestion or runny nose ✓ Muscle or body aches ✓ Headache ✓ Sore Throat ✓ Nausea or vomiting ✓ Diarrhea	If you answered YES to Question #2: • GET TESTED AS SOON AS POSSIBLE. • QUARANTINE while awaiting test results. ○ IF POSITIVE TEST, follow instructions for Question #1 above. ○ IF NEGATIVE TEST AND SYMPTOMS HAVE RESOLVED, continue working as normal. ○ IF NEGATIVE TEST BUT STILL HAVE SYMPTOMS, CONTINUE TO QUARANTINE AND TEST AGAIN IN 1-2 DAYS IF POSSIBLE. ▪ IF POSITIVE TEST, follow instructions for Question #1 above. ▪ IF NEGATIVE TEST, continue working as normal or take personal leave if too sick to work. ▪ IF YOU DO NOT TEST AND STILL HAVE SYMPTOMS, assume you are COVID-positive and follow instructions for Question #1 above. • IF EXPOSED to someone with COVID-19 in the last 10 days, follow instructions for Question #3 below.
3. HAVE YOU BEEN EXPOSED TO COVID-19 IN THE LAST 10 DAYS?	If you answered YES to Question #3: • QUARANTINE FOR AT LEAST 5 DAYS AFTER EXPOSURE • GET TESTED (Ideally on Day 5 after the Exposure, but no earlier, unless symptoms develop.) • QUARANTINE while awaiting test results. ○ IF POSITIVE TEST, follow instructions for Question #1 above. ○ IF NEGATIVE TEST AND <u>NO</u> COVID-19 SYMPTOMS, you may return to the workplace. • IF YOU DEVELOP COVID-19 SYMPTOMS, follow instructions for Question #2 above.

6.2 For Employees Up to Date on COVID-19 Vaccinations:

If employee does not pass the COVID-19 Symptoms and Exposure Self-Screening, they must follow the instructions provided below.

- A. An employee who receives a New Diagnosis of COVID-19 or develops COVID-19 Symptoms must follow the relevant Isolation, Quarantine, and Testing Instructions in the Chart in Section 6.1 above.
- B. An employee who is Exposed to COVID-19 shall get tested (ideally on day 5 after Exposure, but no earlier), but is NOT required to Quarantine if they remain asymptomatic.

6.3 Test Sites.

Test sites can be found at <https://cv.nmhealth.org/public-health-screening-and-testing>.

The Vault Health test can be ordered at <https://learn.vaulthealth.com/nm>

6.4 Telework.

Employees who can Telework must Telework while they Isolate or Quarantine. CITY managers and supervisors may authorize a temporary Telework schedule and assign employees temporary Telework duties during any COVID-19-related Isolation or Quarantine period required by this Section 6. Employees unable or too ill to Telework may be eligible for COVID-19-Related Conditions Leave. Please consult with Human Resources to determine eligibility.

7. PROOF OF VACCINATION

- 7.1 CITY may require an employee to provide Proof of Vaccination if the inquiry is job-related and consistent with business necessity. For example, CITY may require Proof of Vaccination to determine an employee's compliance with an Executive Order or Public Health Order, to determine an employee's appropriate Quarantine practice following a COVID-19 Exposure, to determine whether an employee may travel out-of-State for work, or to determine whether an employee can carpool with other employees in a city vehicle.
- 7.2 CITY requests for Proof of Vaccination: (1) shall not elicit information about an employee's disability, (2) shall not ask why an employee did not receive a vaccination, and (3) shall warn the employee not to provide any medical information beyond the requested Proof of Vaccination.
- 7.3 Agencies shall record their employees' COVID-19 vaccination data on the designated employee medical folder. An employee's Proof of Vaccination and any other employee vaccination data shall be treated as confidential medical information and will be maintained by Human Resources separately from the employee's personnel file and/or maintained confidentially in ABILS. An employee's vaccination status (but not the actual Proof of Vaccination) can be shared with the employee's supervisors to determine compliance with this Policy and Procedure.
- 7.4 Any employee who provides inaccurate information or is untruthful about their vaccination status may be subject to discipline, up to and including dismissal.
- 7.5 Any employee who refuses to provide vaccination status or Proof of Vaccination shall be treated as not Up to Date on COVID-19 Vaccinations under this policy, shall not be eligible for COVID-19-Related Conditions Leave, and shall be required to utilize accrued annual or sick leave for any required Quarantine period under Section 6.1.

8. COVID-19 - REPORTING INSTRUCTIONS

8.1 If an employee receives a New Diagnosis of COVID-19, they must report the positive test to their supervisor as soon as possible. This includes employees who are Teleworking.

8.2 Within 30 minutes of learning of an employee with a New Diagnosis of COVID-19, the supervisor shall notify the Clerk Treasurer or designee by email at cityclerk@cityofbayadnm.com. This reporting requirement must be met even if the report is made after normal working hours or on a weekend.

8.3 The supervisor shall include the following information in the notification to the Clerk Treasurer or designee:

- Name of employee that tested positive.
- The date the employee took the COVID-19 test.
- The date the employee tested positive.
- The last day the employee reported to the office, and what office or building area(s) the employee occupied or spent time in that day.
- The names of all employees that may have had Close Contact with the COVID-19 positive employee when they last reported to the office.

The information in the notice should be based on conversations with the COVID-19 positive employee.

An employee's COVID-19 positive status is confidential medical information, and the name of any COVID-19 positive employee shall be disclosed to the minimum extent necessary to maintain business operations and comply with reporting requirements.

8.4 The Clerk Treasurer or designee will report the case to the New Mexico Environment Department (NMED) within four hours of notification as described below.

8.5 The Clerk Treasurer or designee will notify employees who may have been Exposed.

The notification will include the following:

- A. A report that the employees may have been Exposed to a COVID-19 positive employee. The report shall not include the name of the COVID-19 positive employee.
- B. A request that employees who occupy exposed office space vacate or remain Teleworking until further notice to allow for cleaning.
- C. A note directing the employees to get a COVID-19 test (ideally 5 days after the potential Exposure, but no earlier) and instructing the employees not to report to the office if they develop COVID-19 Symptoms or test COVID-19 positive.

8.6 Within 48 hours of learning of a COVID-positive employee, CITY shall provide notice of the positive case to CITY employees assigned to the same office or facility where the COVID-positive employee reported if the COVID-positive employee was in the office or facility within 48 hours prior to developing symptoms or, if asymptomatic, within 48 hours prior to the positive test. The notice shall not release the name of the employee, but will indicate that close contacts, if any, have been notified.

8.7 The CITY will coordinate a thorough cleaning of the exposed space before employees are allowed to return to the office, as per CDC guidelines.

8.8 Clerk Treasurer will notify employees when they may return to the office.

8.9 Required NMED Protocol:

On August 5, 2020, NMED filed an emergency amendment requiring employers to report New Diagnoses of COVID-19 cases in the workplace to the NMED Occupational

Health and Safety Bureau within four hours of being notified of the case. The initial notification must be sent to NMENV-OSHA@state.nm.us and shall include:

- Establishment name and address,
- Employer representative name and contact information (phone and email),
- Number of people employed at the location,
- Number of employees who tested COVID-19 positive,
- Date each COVID-19 positive employee was tested,
- Date and time employer was notified of the COVID-19 positive test(s),
- Last date each COVID-19 positive employee was in the establishment, and
- Date each COVID-19 positive employee began Quarantine.

8.10 CITY will report any work-related fatalities by mail to Occupational Health and Safety Bureau, New Mexico Environment Department, P.O. Box 5469, Santa Fe, NM 87502; by email to NMENV-OSA@state.nm.us, by phone to (505) 476-8700; or by fax to (505) 476-8734.

9. ADA REASONABLE ACCOMMODATION RELATED TO COVID-19

If an employee with a disability or medical condition needs a reasonable accommodation related to COVID-19, including, but not limited to, related to COVID-19 risk, COVID-19 Safe Practices required herein, or COVID-19 long-haul syndrome, the employee shall contact their supervisor or Human Resources to initiate the reasonable accommodation process. An employee may request an accommodation verbally or in writing and should indicate that a workplace barrier removal is needed related to a medical condition. A reasonable accommodation can be requested at any time; however, the employee should initiate the reasonable accommodation process as soon as possible so that barrier removal solutions can be explored in a timely manner. (See also Attachment A, Disability Resources.)

10. FAMILY AND MEDICAL LEAVE ACT LEAVE RELATED TO COVID-19

Pursuant to the federal Family and Medical Leave Act (FMLA) of 1993, 29 U.S.C. Section 2601 *et seq.*, as amended, and State Personnel Board Rule 1.7.7.12 NMAC, eligible city employees are entitled to a total of 12 weeks of unpaid, job-protected leave for serious health conditions that make the employee unable to perform the essential functions of the employee's job, and to care for the employee's spouse, domestic partner, child, or parent who has a serious health condition. COVID-19-related health conditions may qualify as serious health conditions under the FMLA. Employees with COVID-19-related health conditions should contact Human Resources to determine if FMLA leave may be available.

11. UPDATES

This Policy and Procedure may be updated and supplemented by additional guidance as circumstances require. Clerk Treasurer will provide up-to-date information as it becomes available and encourage all supervisors to communicate regularly with their teams so that information is distributed and that questions are elevated, and can be answered, quickly.

12. ACKNOWLEDGMENTS

All employees shall receive a copy of this Policy and Procedure in paper or electronic form and acknowledge its receipt.

13. ATTACHMENTS

(A) Disability Resources

14. APPROVAL

Approved by:

Mayor

Date: _____, 2022

Attachment A: Disability Resources

COVID-19 and the pandemic has had a unique impact on people with disabilities. To help employers, employees with disabilities, and Human Resources managers understand their rights and obligations, the following State agencies and organizations are available to provide technical assistance, resources, assistive technology, and information.

In addition, the U.S. Equal Employment Opportunity Commission offers answers to frequently asked questions about the workplace, COVID-19, and the rights of people with disabilities. The EEOC's guidance can be found here - <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>.

Southwest ADA Center

Toll-Free: 1-800-949-4232

Fax: 713-520-5785

Email: swdbtac@ilru.org

www.southwestada.org

*The Center is part of the ADA National Network funded by NIDILRR at the U.S. Department of Health & Human Services

NM Governor's Commission on Disability

491 Old Santa Fe Trail
Santa Fe, NM 87501-2753

Phone: 505-476-0412

Toll-free (in State only): 877-696-1470

Fax: 505-827-6328

Email: gcd@state.nm.us

<http://gcd.state.nm.us/>

*Serves NM with local offices in Albuquerque, Santa Fe

NM Commission for the Deaf and Hard of Hearing

505 Marquette Ave. NW, Suite 1550
Albuquerque, NM 87102

Direct Phone: 505-228-7710

Video Phone: 505-435-9319

Toll-free: 800-489-8536

Fax: 505-383-6533

<https://www.cdhh.state.nm.us/>

*Serves NM with local office in Albuquerque, Las Cruces

NM Commission for the Blind

2200 Yale Blvd. SE
Albuquerque, NM 87106

Phone: 505-841-8844

Toll-Free: 888-513-7958

<https://www.cfb.state.nm.us/>

*Serves NM with local offices in Alamogordo, Albuquerque, Farmington, Las Cruces, Las Vegas, Roswell, Santa Fe

NM Human Rights Bureau

The Bureau investigates claims of discrimination, including those based on disability, and provides mediation and training.

Toll Free (in NM): 1-800-566-9471

Phone: 505-827-6838

<https://www.dws.state.nm.us/Human-Rights-Information>

NM Developmental Disabilities Planning Council

625 Silver Avenue SW, Suite 100
Albuquerque, New Mexico 87102

Office: 505-841-4519

DDPC Fax: 505-841-4590

OOG Fax: 505-841-4455

<https://www.nmddpc.com/>

**U.S. Equal Employment Opportunity
Commission**

Coronavirus and COVID-19 Information

<https://www.eeoc.gov/coronavirus>

Job Accommodation Network (JAN)

Toll-Free: 800-526-7234

TTY: 877-781-9403

Text: 304-216-8189

www.askjan.org



New Mexico State Personnel Office
Paid COVID-19-Related Conditions Leave Form
Conditions 1-4

Form - Jan. 31, 2022

SHARE Code: PDCVL

Agency/Employee Information

Date: Business Unit Name: Bus. Unit #:

Employee Name: Empl ID:

Request #: Begin Date: End Date:
(not to exceed 10 consecutive workdays)

Number Hours Administrative Leave Requested:
(may be consecutive or intermittent -- if intermittent, specify leave hours requested)

- Due to the public health emergency declared by the Governor on March 11, 2020, and pursuant to State Personnel Board Rule 1.7.7.14, Administrative Leave and *State Personnel Office General Memorandum 2022-001*, employee is requesting Paid COVID-19-Related Conditions Leave for one or more of the following COVID-19-Related Conditions as determined by the Cabinet Secretary or Agency Head, up to ten (10) consecutive workdays. These Conditions are identified in *General Memorandum 2022-001*.

☐ By checking here, Employee certifies:
I meet one or more of the conditions below and, as a result, I am unable to telework or work from home for the number of hours of COVID-19 Leave requested above.
(Manager or Division Director must confirm by signing below.)

The COVID-19-Related Conditions are: (complete all that apply)

- ☐ Employee is subject to isolation or quarantine related to COVID-19 pursuant to government order or Agency policy;
 Specify government entity or Agency policy
- ☐ Employee was advised by healthcare provider, Cabinet Secretary/Agency Head, or Agency HR to isolate or quarantine due to COVID-19;
 Name of healthcare provider or Agency representative
- ☐ Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis/awaiting results of a COVID-19 test;
- ☐ Employee is caring for an individual subject to an isolation or quarantine order related to COVID-19.

Name of individual	Relationship	Specify government entity or healthcare provider

Employee Signature: Date:

Manager or Division Director Signature: Date:
(Confirming inability to telework or work from home)

Agency HR Manager Signature: Date:

Agency Head/Designee Signature: Date:

State Personnel Director Signature: Date:
(only required if more than five consecutive workdays up to ten consecutive workdays)

THE STATE PERSONNEL OFFICE MAY AUDIT
THE USE OF PAID ADMINISTRATIVE LEAVE FOR COVID-19-RELATED CONDITIONS



New Mexico State Personnel Office
Paid COVID-19-Related Conditions Leave Form Condition 5
(Caring for Son or Daughter/School Closed)

Form - Jan. 31, 2022

SHARE Code: PFCVL

Agency/Employee Information

Date: Business Unit Name: Bus. Unit #:

Employee Name: Empl ID:

Request #: Begin Date: End Date:
(not to exceed 4 workweeks)

Hours per Week Requested:
(may be consecutive or intermittent – if intermittent, specify leave hours requested; may not exceed 20 hours per week)

☐ Hrs Work/Telework ☐ Accrued Leave ☐ LWOP

Balance of Workweek Hours: ☐ Combination
(hours per week must total a full workweek) (if a combination, enter hours per category)

Due to the public health emergency declared by the Governor on March 11, 2020, and pursuant to State Personnel Board Rule 1.7.7.14, Administrative Leave, and State Personnel Office General Memorandum 2022-001, employee is requesting Paid COVID-19-Related Conditions Leave for the following COVID-19-Related Condition as determined by the Cabinet Secretary or Agency Head, up to twenty (20) hours per week for four (4) weeks. This Condition is identified in General Memorandum 2022-001.

By checking here, Employee certifies:

☐ I meet the condition below and, as a result, I am unable to telework or work from home for the number of hours of COVID-19 Leave requested above.
(Manager or Division Director must confirm by signing below.)

The COVID-19-Related Condition is: (check and complete fully)

☐ The employee is caring for the employee's son or daughter under 18 years of age (or 18 years of age or older who has a mental or physical disability and is incapable of self-care because of that disability) because the school or childcare facility for the child has been closed or the caregiver or childcare provider of such son or daughter is unavailable because of a public health emergency.

Child(ren) name(s)

School or childcare facility

☐ *!! Employee certifies there is no other suitable person available to care for my son or daughter during the period requested above. *!!

Previous Requests Granted - Begin Date: End Date:
(leave blank if this is 1st request)

Employee Signature: Date:

Manager or Division Director Signature: Date:
(confirming inability to telework or work from home)

Agency HR Manager Signature: Date:

Agency Head/Designee Signature: Date:
(State Personnel Director approval NOT required)