

# PANDEMIC DISEASE CONTINUITY OF OPERATIONS PLAN CITY OF MARSHALL



MARSHALL

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## OVERVIEW

The City of Marshall is responsible for providing services to more than 13,000 citizens residing in the city of Marshall. The potential for a pandemic disease outbreak could disrupt the continuity of operations for provision of essential and other community services, including governmental and business functions. Should that occur, the Mayor of the City of Marshall may declare a local state of emergency. The typical “seasonal flu” is separate and apart from Pandemic Disease. A pandemic disease could strike at any time.

If a pandemic disease spreads to the City of Marshall, an absentee rate of 25% or more City Marshall employees is expected for up to 18 months, on a rolling basis. This number includes sick employees, employees who are caring for sick family members, and employees who do not come to work out of fear of becoming ill. In addition, there may be a significant need for social distancing (a reduction of the number of persons concentrated in the workplace), necessitating that employees do their work but do not report to the workplace.

The level to which this plan is activated is dependent on the *World Health Organization (WHO) Global Pandemic Phases and the Stages for Federal Government Response* (Attachment A).

Some directives in this plan are ongoing and should be performed during the planning phases (WHO Phases 1-5).

In WHO Pandemic Phase 6, or earlier if deemed necessary, the Mayor of the City of Marshall, or Designee, will convene an emergency meeting of the division directors to ascertain the situation. If needed, a team will be developed to provide guidance and make decisions throughout the event.

This plan is drafted to be used immediately. It is meant to complement department operational plans. This plan does not limit each department’s authority to make operational decisions about essential or needed functions.

The following assumptions were made in drafting this plan:

- The provisions of Chapters 3.09 of the City of Marshall Municipal Code related to emergency ordinances must be followed;
- State laws concerning local government employment relations have not been altered by action of the Legislature or the Governor;
- All employees, including those in represented bargaining units, will be informed in advance of potential personnel administration changes as soon as possible; and
- Essential functions will receive first priority for staffing; other functions will be staffed secondarily.

This plan provides staffing strategies, tools, advice and directives that departments should follow in the event that the Mayor of the City of Marshall proclaims a pandemic disease outbreak emergency for the city. Because delivery of needed services to the people of the City of Marshall

will necessitate substantial flexibility in management, many human resources processes may be simplified.

Carrying out City government's responsibilities to the people of the city of Marshall during a pandemic disease outbreak emergency will require substantial flexibility in the management of City operations and direction of all City employees, especially with respect to matters such as transfer, establishment of rules of conduct, and job assignment. Emergency staffing and backfilling of existing positions will be of primary concern in order to provide essential services and other services to the public. In the event that essential services are adequately staffed, non-essential services may be staffed, to the extent possible.

The provisions of this plan confer no new privilege, right of appeal, right of position, transfer, demotion, promotion or reinstatement for any City of Marshall employee, contract worker or volunteer. This manual does not constitute an expressed or implied contract. It provides general guidance that cannot form the basis of a private right or action.

The City of Marshall reserves the right and discretion to amend, delete, deviate from, or change this plan at its sole discretion.

## **MANUAL SUMMARY**

### **Section 1: Labor Relations – Emergency Administration**

Ensuring the delivery of needed services to the people of the City of Marshall will require substantial flexibility in management of City operations and direction of all City employees, especially with respect to matters such as transfer, establishment of rules of conduct and job assignment.

### **Section 2: Essential functions, Lines of Succession and Delegation of Authority**

Departments shall predetermine essential functions and the personnel needed to perform essential functions. Payroll functions are essential in every department. Management lines of succession should run at least three employees deep. Some smaller departments may need to plan for combined leadership.

*All personnel will be deemed essential unless declared otherwise.*

### **Section 3: Closure of Schools and Daycare Facilities**

Because all personnel will be deemed essential unless declared otherwise, all personnel will be expected to perform their work, notwithstanding school and daycare closures. All employees with school-aged children are encouraged to pre-plan for potential school closures.

### **Section 4: Alternative Work Schedules**

Normal and alternative work schedules may change with 24-hours' notice or less.

### **Section 5: Contingent Workforce**

Contingent workers might be called upon to maintain continuity of operations. Contingent workers include employees working less than full time hours on a year-round basis, agency employees, and contract employees.

### **Section 6: Telecommuting**

Departments are identifying the functions which may be performed remotely, and essential employees who can perform their functions remotely are being equipped accordingly. Depending upon the circumstances, including availability of equipment, non-essential employees may also telecommute.

### **Section 7: Volunteer Services**

Volunteers may be called upon to maintain continuity of operations after departments have attempted to staff functions with regular City employees. Volunteers will need to sign the *Volunteer Liability Waiver*.

### **Section 8: Rescission of Approved Leave**

In order to staff City functions, rescission of approved leave time such as vacation, personal leave, compensatory time and/or unpaid leave of absence is a possibility and employees will be informed that this may occur.

**Section 9: Sending Ill Employees Home**

Employees who are symptomatic in the workplace will be sent home and may use accrued leave to cover the absence.

**Section 10: Family and Medical Leave (FMLA) and Sick Leave**

Employee leaves will continue to be administered in accordance with the law and the City's personnel policies. Changes (e.g., expansion in the eligible use of sick leave) will be communicated to all employees.

**Section 11: Return to Work Authorization**

Federal and/or State law, and Centers for Disease Control (CDC) recommendations, in addition to City Personnel Policies, will dictate return to work authorization.

**Section 12: Facility Closure / Reduction in Force**

The City will analyze the necessity for a reduction in force depending upon how long facilities are closed.

**Section 13: Discipline – Conduct, Including Unauthorized Absences:**

The processing of proposed discipline may need to be held in abeyance if management's time is substantially limited due to responding to the emergency.

**Section 14: Communication and Consistent Messaging**

Departments will prepare and carry out internal and external communications plans in coordination with the Director of Public Safety and City Administrator.

**Section 15: Crisis Counseling/EAP Services**

The City has an Employee Assistance Program. This resource will be made available to eligible employees. Crisis counseling may be recommended to employees to address his/her uncomfortable emotions and/or stressors that interfere with work performance.

**Section 16: Contracted Vendors**

Many departments contract with vendors that provide essential services for City operations. Departments should be assured that these vendors will provide services during a pandemic disease outbreak.

## **Section 1: Labor Relations – Emergency Administration**

Ensuring the delivery of needed services to the people of the City of Marshall will require substantial flexibility in management of city operations and direction of all city employees, especially with respect to matters such as transfer, establishment of rules of conduct and job assignment. Departures from normal practices should be narrowly tailored for the emergency situation.

In the event a pandemic disease outbreak is proclaimed by the Mayor of the City of Marshall, the following provides guidelines in the exercise of management and direction responsibilities to ensure the delivery of needed services to the people of the City of Marshall.

### **A. Guiding Principles**

1. Managers/Supervisors will exercise flexibility in management and direction, including departures from normal practices, to ensure the delivery of needed services to the people of the City of Marshall.
2. Insofar as possible, departures from normal human resources practices should be limited to those that:
  - a. Ensure that functions of the Department can be staffed safely; and
  - b. Have the least disruptive effect on employees.
3. Managers/Supervisors should adhere to normal human resources practices to the extent possible, without causing unnecessary difficulty in administering a Department during the emergency.
4. Managers/Supervisors should provide as much notice to employees as possible, given the circumstances, of any change affecting employees.

### **B. Communicate to Employees Anticipated Departures from Normal Human Resources Practices**

1. Ongoing communications will be maintained with supervisors, employees, and when needed, labor unions, regarding the potential for departures from normal practices during a pandemic disease outbreak. This includes the potential for using employees outside of the bargaining unit to perform the work needed to maintain essential functions.
2. Other examples of potential departures from normal practices that should be communicated to all employees include:
  - a. Previously approved vacation, compensatory time, or leaves of absence (other than for sick or family leave purposes) may be rescinded with minimal notice.
  - b. Employees may be required to report for work with minimal notice.
  - c. Employees' work schedules and/or hours of work may change with minimal notice.
  - d. Employees may be required to telecommute with minimal notice.
  - e. Employees may be assigned overtime with minimal notice.
  - f. Employees may be assigned to other Departments with minimal notice.
  - g. Employee travel may be restricted or prohibited.

## Section 2: Essential Functions, Lines of Succession and Delegation of Authority

The following section provides guidance and direction to assist all departments, divisions and work units to develop plans for identifying essential functions, lines of management succession, and delegation of authority in the event of a pandemic disease outbreak emergency.

All personnel will be deemed essential unless declared otherwise. Essential personnel must perform their work, notwithstanding dependent care issues (see *Section 3: Closure of Schools and Daycare Facilities*).

- A. Departments shall predetermine essential functions and personnel needed to perform the essential functions. Each department will document essential functions and personnel on the *Critical Function Inventory* form.
  - 1. Departments shall predetermine essential functions including critical times of year when certain functions must be performed. Payroll and billing functions shall be considered essential functions for each department.
  - 2. Departments shall predetermine personnel who perform essential functions and the minimum number of staff necessary to perform those functions. Lines of succession shall run at least three employees in depth.
  - 3. Departments shall pre-identify services they are mandated to provide and determine what impact those mandates will have on their department. Waivers should be completed in advance with state agencies for mandated services that may contradict pandemic disease outbreak containment measures or may be difficult to provide during a pandemic disease outbreak (e.g. face to face counseling).
  - 4. Departments shall identify functions that may be suspended while personnel are assigned to more critical roles. Departments should identify the time period that the function can be suspended and the functions that may be done on a less frequent basis than would occur under normal conditions.
  - 5. Departments should identify secondary personnel that have the skills and abilities to perform other functions. Such personnel may be:
    - a. Employees in the same classification series as those who normally perform the function;
    - b. Employees who have previously performed the work and are currently employed in other city departments; and
    - c. Employees who can be trained either in advance of the need or on-the-job when the need arises.
  - 6. Departments should identify other personnel who may be available to perform the essential functions. Such personnel may include retired employees, former employees, temporary workers and contract workers.
  - 7. Departments shall maintain a *Critical Function Inventory* form for their department.
  - 8. Division directors will ensure their department's *Critical Function Inventory* form is updated due to staffing changes, etc.
  - 9. Each department shall maintain emergency contact information, including the employee's home address, home telephone number, cell phone number and home email address, emergency contact's name, address, home telephone number, alternate telephone number such as work or cell phone number, home and work email address and relationship to employee.



- B. Departments, divisions and work units shall establish a management line of succession plan. A line of succession provides a list of predetermined alternates for key leadership positions in each department, division or work unit.
1. The succession plan should be at least 1-3 employees in depth, where possible. The personnel identified for the line of succession should know the operations of the Department; have the confidence of the principal to act in his or her absence; clearly understand the scope of the powers and duties delegated to him or her; and clearly understand the constraints, if any, of the powers and authorities she or he will be delegated.
  2. The succession plan should clearly identify the names of designated personnel, their job titles, and how they can be contacted. (Consider having the principal's phone, work cellphone, and email forwarded to the person who assumes the powers and duties of the principal in his/her absence.)
  3. The names and order of succession of designated personnel shall be communicated to department personnel.
  4. The plan should clearly set forth the powers and duties that will be performed and by whom. The departments shall predetermine the individuals who will have the delegated authority to make decisions and communicate that these individuals will have that authority to department personnel.
  5. If all of the personnel identified for the line of succession are unavailable (which may be the case in small Departments where there is a limited number of leadership personnel), the department should provide for alternate lines of succession that identifies other personnel who can assume the powers and duties outside of the Department. The line of succession plan should be updated whenever a pertinent staff change occurs.
  6. Departments should determine if those in the line of succession may need to be cross-trained in advance and provide such training where needed. Advance cross-training for essential functions, such as the payroll function, is imperative. The department may provide resources which may be accessed to train employees to perform other functions (video tapes, outside trainers, procedures manuals, teleconferencing, consultants, etc.).
  7. Departments should construct a method by which those in the line of succession will have access to information and needed items (*i.e.* computer passwords, calendars for employee approved time off, office keys, file cabinet keys, etc.) should they take over leadership responsibilities.

### **Section 3: Closure of Schools and Daycare Facilities**

To minimize the effect of any disease outbreak, Local Health Officers are authorized by state law to implement disease control measures. The *City of Marshall Continuity of Operations Plan* for pandemic disease outlines community disease control and prevention measures that may be implemented by the Director of Public Safety to reduce the spread of a pandemic disease outbreak.

To aid in the determination of appropriate social distancing measures to implement, the City of Marshall will monitor the information and recommendations provided by the Minnesota

Department of Health and Southwest Health and Human Services. These measures may include the closure of schools and daycare facilities.

The closure of schools and daycare facilities may or may not occur in coordination with any emergency proclamation. These closures are expected to have a significant cascading effect on staff absenteeism in both the private and public sectors. The City of Marshall must be prepared for a reduction in its staff resulting from healthy parents staying home to take care of healthy children or other healthy dependents.

- A. All personnel will be deemed essential unless declared otherwise. Essential personnel must perform their work, notwithstanding school and daycare closures.
  - 1. All personnel should have a family care succession plan in place.
  - 2. In the event that child and dependent care coverage become impossible, arrangements should be made in advance with department management to telecommute, if appropriate and feasible.
  - 3. Employees will not be allowed to bring their children to work.
- B. Managers/Supervisors will ensure their employees are aware of the aforementioned expectations.

#### **Section 4: Alternative Work Schedules**

Alternative work schedules may be adopted during a proclaimed pandemic disease outbreak emergency to enhance social distancing, business continuity, or other pandemic response goals as follows:

- A. Regular work schedules may be changed upon the declaration of a pandemic disease outbreak emergency. In addition to regular full-time employees, regular part-time and temporary employees may work alternative schedules.
- B. Departments shall review their normal business hours and work schedules to determine if they can be modified in a manner that best promotes social distancing, business continuity or other pandemic response goals during an emergency.
- C. Departments will identify essential and non-essential functions that may be staffed with personnel on alternative schedules.
- D. If feasible, managers/supervisors should first ask for employees to voluntarily work hours other than their usual schedule. Where certain work schedules cannot be adequately staffed voluntarily, department management may direct staff to work the schedules necessary.
- E. Departments are encouraged to work with staff to minimize the impacts of decisions affecting schedule changes. Overtime is probable and should be expected.
- F. Approved schedules shall also be formally documented. Such documentation should occur within one week of the start of an alternative schedule or as soon as practicable thereafter.
- G. Approval of alternative work schedules is a matter within the sole discretion of management, consistent with its responsibility to ensure delivery of needed services to the people of the City of Marshall.

- H. When appropriate, management may assign an employee back to the employee's regular schedule.

## **Section 5: Contingent Workforce**

Contingent workers may be called upon to maintain continuity of operations.

- A. City of Marshall contingent workers include, but are not limited to:
  - a. All City of Marshall employees working less than full-time hours on a year-round basis.
  - b. Agency – an individual hired through a temporary agency or service. Such an employee is not a City of Marshall employee.
  - c. Contract – an individual who is the employee of an authorized vendor that contracts with the City of Marshall to provide a specific service. Such an employee is not a City of Marshall employee.
- B. The Human Resources Department will maintain a list of agencies capable of providing temporary employees to staff essential functions.
- C. Managers/Supervisors may immediately hire temporary help with approval from their department division director and Human Resource Manager.

## **Section 6: Telecommuting**

Telecommuting means that an employee is working one or more days each work week from home instead of commuting to his or her centrally located worksite. Telecommuting is not appropriate for all employees and no employee is entitled or guaranteed the opportunity to telecommute.

The purpose of this policy is to provide support for social distancing or other pandemic response techniques as necessary to respond to a pandemic disease outbreak emergency. These modifications apply only to pandemic planning and response for employees that have been identified as appropriate personnel for telecommuting. City Administrator approval will be required prior to any employee being allowed to telecommute.

- A. Departments should identify possible telecommuters and make the necessary technological arrangements.
  - 1. Departments shall consider a broad use of telecommuting to accomplish social distancing for a pandemic disease outbreak emergency.
  - 2. Departments shall identify essential functions that may be accomplished remotely and whether the person performing the function needs access to all systems and applications or only email and/or voice communications.
  - 3. Departments shall identify employees who perform essential functions and other employees whose situations may warrant telecommuting and shall determine their ability to telecommute.

4. Departments shall consider alternative work schedules for those authorized to telecommute to reduce peak demands on Information Technology systems.
5. Employees authorized for telecommuting may be allowed to provide limited dependent/childcare during a pandemic disease outbreak emergency if providing care does not impact the ability of the employee to accomplish assigned tasks.
6. Departments might consider having a laptop computer that is pre-loaded with the necessary software which may be checked out on an emergent basis by employees who do not already have the necessary equipment to telecommute. Equipment is limited and employees should not expect to be provided a laptop.
7. Telecommuting assignments may be processed via email or telephone.

B. Managers/Supervisors may require that an employee telecommute during a pandemic disease emergency. A requirement to telecommute shall be documented.

C. Telecommuting may be approved under this authority for no longer than the duration of the pandemic disease outbreak emergency.

## **Section 7: Volunteer Services**

Volunteers may be called upon to maintain continuity of operations.

- A. Departments should attempt to utilize City of Marshall employees to perform needed work before recruiting volunteers.
- B. Departments should identify, in advance, areas where volunteers might be utilized and identify skills needed.
- C. The Director of Community Services, or the designee, should maintain a list of volunteers with identified skills.
- D. Departments should identify an employee to coordinate and assign volunteers.
- E. Departments should be prepared to decline offers from unskilled/unneeded volunteers
- F. Departments may include as volunteers any individual who volunteers to perform services for the department if the following conditions are met:
  1. The individual receives no compensation. The individual must perform services without any kind of promise or expectation or receipt of any other compensation for the services rendered.
  2. Such services are not the same type of services which the individual is employed to perform for the city. Individuals may not volunteer to perform the same work or type of work that they are otherwise paid by the City to do.
  3. The volunteer executes documentation normally required of citizens who volunteer their services to the City.

## **Section 8: Rescission of Approved Vacation Leave and Compensatory Time Off**

- A. Because the pandemic disease outbreak emergency may cause significant staffing shortages, previously approved vacation leave and compensatory time off may be rescinded in order to provide staffing coverage for city services.

- B. Department managers/supervisors should note the following:
1. Department managers/supervisors should keep an updated calendar of all approved time off and provide access to that calendar to those in their line of succession.
  2. The City of Marshall has the authority to rescind vacation, personal leave, floating holiday leave, and/or compensatory time off.
  3. Vacation, personal leave, floating holiday leave, and/or compensatory time off should be rescinded as soon as the manager/supervisor believes that a potential staffing shortage will require that the employee report to work.
  4. Rescission of an employee's leave which is already in progress shall be reasonably based upon the employee's ability to report to work. For example, it would be reasonable to require that an employee who is on vacation at home report to work but unreasonable to require that an employee who is on vacation out of the country report to work.
  5. When rescinding vacation, personal leave, floating holiday leave, and/or compensatory time off, the manager/supervisor shall have actual contact with the employee to ensure that the employee received the directive to report to duty. Rescission should be made in writing, if possible. For example, an email exchange between the employee and the manager/supervisor or a letter from the manager/supervisor to the employee in which the employee acknowledges receipt is acceptable contact; a message left on an employee's home telephone message recorder is not an acceptable contact, unless the message was left and employee returned the call acknowledging the directive. However, that should be followed up with written confirmation.
  6. While employees who have accrued compensatory time off have a right to use it within a reasonable time of their request, such may not be the case in the event of an emergency, such as a pandemic disease outbreak, where an employee's absence would disrupt city business operations. Should rescission of compensatory time off due to a proclaimed pandemic disease outbreak emergency occur, such that the usage of compensatory time will not be able to be used in accordance with the City Personnel Policy or respective collective bargaining agreement, the division director should notify the Human Resources Manager of such.

## **Section 9: Sending Ill Employees Home**

- A. If an employee appears to have pandemic disease symptoms at the workplace, the manager/supervisor will require the employee to leave the workplace.
- B. Managers/Supervisors are not to make judgments as to medical diagnosis; but may rely on observations of an employee's symptomology in making a determination to send an employee who appears ill home. Managers/Supervisors should refer to the CDC or Minnesota Department of Health information when observing and identifying specific pandemic disease symptomology.
- C. The City will comply with State and Federal compensation laws. Employees may use accrued leave in accordance with City Personnel Policy and collective bargaining agreements; except as otherwise authorized by the City Administrator.
- D. In the event that employees are sent home because of a pandemic disease outbreak, employees may use all available accruals, except funeral/bereavement leave. Employees may

also request approval for an unpaid leave of absence if available leave accruals are exhausted. With the exception of leave which qualifies under Family and Medical Act leave, any request for a leave of absence without pay for more than 15 days, must be pre-approved in accordance with City Personnel Policy.

- E. The employee shall be allowed to return to work after the recommended isolation period. The isolation period will be based on current recommendations from the Centers for Disease Control and Prevention (CDC) and/or the Minnesota Department of Health (MDH). The employee shall contact his or her supervisor and arrange for his/her return to work (see *Section 11: Return to Work Authorization*).

## **Section 10: Family and Medical Leave (FMLA) and Sick Leave**

During the pandemic disease outbreak emergency, it will be crucial to support employees seeking medical attention. City of Marshall employees may use family and medical leave pursuant to their current rights under:

- Federal Family and Medical Leave Act (FMLA) 29 CFR 825
- Minnesota Pregnancy and Parental Leave

### **A. Eligibility**

1. Family or medical leaves of absence will apply to eligible employees in accordance with Federal and State law.
2. Pandemic disease outbreak emergency leave will apply to all employees, including those who have exhausted family and medical leave benefits, or who are not eligible for family or medical leave under FMLA or State law.

### **B. Requirements**

1. An employee, or designee, must communicate the reason for absence orally, in writing, or electronically to the department manager/supervisor.
2. An employee, or designee, communication must occur as soon as leave is required.

### **C. Medical Documentation and Length of Leave**

1. Requirements for medical documentation will be determined and communicated to the employee subject to Personnel Policy provisions and recommendations/guidance from the CDC, Minnesota Department of Health, and/or local public health agencies
2. Medical documentation required will be dependent upon the length of leave and the individual circumstances of the leave of absence.

### **D. Compensation and Use of Accruals for Absences**

1. For an employee's own illness, the employee may use all available accruals, except funeral leave.
2. For an employee qualifying for Family Medical Leave (FMLA) to care for an ill family member, the employee may use all available accruals, except funeral leave.
3. Unpaid leave - where all available accruals have been exhausted and the employee is unable to return to work, the employee will be placed on unpaid administrative leave upon approval of the City Administrator.

- E. Benefits will be administered in accordance with existing City Personnel Policies and in compliance with State and Federal laws.

### **F. Additional Information**

1. Absences due to pandemic disease outbreak emergency will not be counted (as an occurrence) toward an attendance record.
2. During the period of a declared pandemic disease outbreak emergency, employees must continue to follow normal departmental procedures for reporting absences.

## **Section 11: Return to Work Authorization**

In the event the Mayor for the City of Marshall declares a pandemic disease outbreak emergency, the following procedures will be in effect for the duration of the emergency.

In the event that an employee is ready to return to work from a leave (paid, unpaid, or military) the following procedures shall apply:

- A. The employee who is ready to return from leave shall contact their manager/ supervisor (or a person acting in his/her capacity) for instructions on when and where the employee should return for assignment, provided an assignment is available prior to the day that the employee proposes to return. Contact shall be made in the manner deemed appropriate by the Department.
- B. The manager/supervisor shall inform the employee as to whether or not the employee's return to work is authorized. If it is authorized, the employee should be informed of his/her work location (or whether the employee will be assigned to work from a remote location or telecommute), work schedule and shift, and specific work assignments, if different from the employee's regular assignment.
- C. In administering this section, medical certifications may or may not be required.
- D. After the emergency, policies and procedures will revert to the usual policies and procedures.

## **Section 12: Facility Closure / Reduction in Force**

- A. City of Marshall administrative offices and operations will remain open during emergency situations that do not pose an immediate life, health, or safety risk to staff, customers, or residents, unless otherwise directed by the Mayor of the City of Marshall, or the respective constitutional officer, or administrative manager.
- B. Because of potential staffing shortages, employees may be deployed to provide support for other City operations in alternative worksites and should be prepared to come to work at such locations.
- C. In the case of closure of specific offices, employees will be sent home as a last resort. Should employees be sent home, payment of wages to employees will be made in accordance with these established emergency processes:
  1. If a facility is closed and no alternative site is designated for the employees to report to, employees scheduled to work will be paid their normal rate of pay until such time as the facility is reopened, alternative worksites are arranged, or a reduction in force is implemented.
  2. When the City Administrator closes operations in his or her agency during the work-day, or orders employees to leave the premises because of health and safety concerns, employees scheduled to work will be paid for the normally scheduled work day.

3. Under extended declared emergency conditions, departments may be required to lay off employees in accordance with collective bargaining agreements and the City Personnel policies.
4. Departments should make every reasonable effort to allow employees who have reported to work to check on the status of their families, providing that doing so does not compromise emergency response functions.

### **Section 13: Discipline – Conduct, Including Unauthorized Absences**

City of Marshall employees continually distinguish themselves by their shared commitment to public service. Consistent with that commitment to service to the public, all able employees are expected to report to work and perform duties, unless directed otherwise. Unfortunately, there may be occasions during the emergency when employee misconduct or unexcused absenteeism arise and need to be addressed. In some cases, that will mean that discipline is appropriate.

- A. Disciplinary Action, in General: The type and level of disciplinary action will be determined by the nature and severity of the behavior and/or performance deficiency that led to the employee's disciplinary action. Prior to proposing or implementing disciplinary action, the employee's division director should first consult the Human Resources Manager and City Administrator. Human Resources may assist the employee's department in a review of pertinent facts and decisions regarding when and if to process disciplinary action.
  1. Any suspension or termination disciplinary proposal will be reduced to a form of written correspondence (*e.g.* letter, email, facsimile) by the employee's manager/supervisor, and a copy will be provided to the employee. The correspondence will set forth the dates of the employee's alleged misconduct, noting when the proposal will be processed and when the employee will have an opportunity to be heard, as set forth below.
  2. Processing of disciplinary proposals for City employees may be held in abeyance pending the City's return to normal business operations.
- B. Disciplinary Action for Unauthorized Absences: An unauthorized absence means the absence of an employee from duty without specific authorization. Authorization is obtained via the notification and approval method prescribed by the department. Certain unauthorized absences during a pandemic disease outbreak emergency may result in a reduction in pay and/or disciplinary action, up to and including termination.
  1. Pay:
    - a. Hourly employees who are not exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and the Minnesota Minimum Wage Act will not be paid for any time that they are absent from work without approved leave.
    - b. Employees who are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and the Minnesota Minimum Wage Act will be paid but will be subject to disciplinary action up to and including termination.



2. Processing of disciplinary proposals for City employees who are alleged to be absent without approved leave may be held in abeyance pending the City's return to normal business operations.
3. Mitigating circumstances underlying the unauthorized absence may be taken into consideration in any analysis of disciplinary action proposals, including termination. Incidents will be reviewed on a case-by-case basis.
4. During the period of a declared pandemic disease outbreak emergency, unless otherwise defined by contract, after an employee is absent for three (3) consecutive working days without notifying his/her supervisor or designee, and if no compelling circumstances exist, the employee may be considered to have voluntarily resigned.

## **Section 14: Communication and Consistent Messaging**

A key element in responding to any disaster, including a pandemic disease outbreak emergency, is consistent, effective and timely communication. Sound and thoughtful communications will be required before, during and after a pandemic disease outbreak emergency. This section provides guidance on internal and external communications planning and strategies.

### **A. Internal Communications to Employees**

1. Information and communication activities will be coordinated with the appropriate departments to ensure the delivery of consistent messages to employees.
2. The City will ensure that all employees receive communications by using different communication tools. These tools include:
  - a. Email
  - b. Printed Materials
  - c. City of Marshall website
3. The City will ensure that employees with special needs (e.g., hearing disabilities, language barriers, etc.) have access to communications.
4. Human Resources will maintain current contact information for employees. Emergency contact information for individual employees will be updated annually.
5. The City will provide applicable information to employees depending on the current phase of pandemic disease outbreak (see Attachment A, *WHO Global Pandemic Phases and the Stages for Federal Government Response*). Information may include:
  - a. The current threat of a pandemic disease outbreak.
  - b. Guidance for employees on how to develop individual and family preparedness plans for a pandemic disease outbreak.
  - c. The expectation that employees will perform their work, notwithstanding school and daycare closures. Employees should develop family care succession plans (see *Section 3: Closure of Schools and Daycare Facilities*.)
  - d. Steps the City is taking to address the threat of a pandemic disease outbreak.
  - e. Potential changes to personnel policies located, as well as to other policies, with the emphasis that these changes apply only to a pandemic emergency response, not for routine operation.

- f. Changes in business practices in response to a pandemic disease outbreak emergency. Changes may include social distancing, increase in telecommuting or suspension of non-essential functions.
- g. The importance of staying at home if employees are ill or have pandemic disease symptoms.
- h. Steps employees can take to control the spread of communicable infections in the workplace, including proper disinfection techniques, cough etiquette, and hand washing.

#### B. External Communications to Stakeholders

- 1. Information and communication activities will be coordinated with the appropriate departments to ensure the delivery of consistent messages to external stakeholders.
- 2. The City will provide applicable information to key stakeholders, including the following:
  - a. Contracted agencies
    - i. Changes in business practices in response to a pandemic disease outbreak emergency. Changes may include social distancing, increase in telecommuting or suspension of non-essential functions.
    - ii. The need for contract agencies to develop and implement a business continuity of operations plan for a pandemic disease outbreak.
  - b. Labor representatives
    - i. The expectation that employees will perform their work, notwithstanding school and daycare closures. Employees should develop family care succession Plans (see *Section 3: Closure of Schools and Daycare Facilities*.)
    - ii. Potential changes to personnel policies located in this plan, as well as to other policies (see *Section 1: Labor Relations – Emergency Administration*).
  - c. Public
    - i. Changes in business practices in response to a pandemic disease outbreak emergency. Changes may include social distancing, increase in telecommuting or suspension of non-essential functions.

### Section 15: Crisis Counseling

A crisis such as a pandemic disease outbreak may cause stresses that compromise the effective functioning of a department. Crisis counseling may be recommended to employees to address uncomfortable motions and or stressors that interfere with work performance. Further, there may be a need for “Critical Stress Debriefing Sessions” to assist a department with particular issues or traumatic events.

- A. It is recommended that referral appointments for crisis counseling during a pandemic disease outbreak emergency be allowed during regular working hours during the course of the emergency even if the department does not normally allow use of work time for such

appointments, as long as this does not interfere with the operations or functions of the workplace.

- B. The Human Resources Department is responsible for the provision of crisis counseling for City employees, and will maintain appropriate lists of available resources, including:
  - 1. The Employee Assistance Program (EAP). The EAP is the primary service used by the city. The current provider is Morneau Shepell.
  - 2. Professional counseling services. Professional counseling services shall be considered if the EAP is overwhelmed and unable to provide services. The Human Resources Department will maintain a list of professional counseling services.

## **Section 16: Contracted Vendors**

Many departments contract with vendors that provide essential services for City operations. Departments should be assured that these vendors will provide services during a pandemic disease outbreak emergency.

- A. Departments shall establish contact with outside vendors to ascertain their ability to provide services during a pandemic disease outbreak.
  - 1. Departments, in cooperation with the Finance Department, will maintain a list of essential contracted vendors.
  - 2. Departments, in cooperation with the Finance Department, will contact essential contracted vendors to assess their plans to provide services during a pandemic disease outbreak.
  - 3. Departments will encourage essential contracted vendors to develop a business continuity of operations plan for a pandemic disease outbreak.
- B. Departments shall pre-identify alternate vendors to utilize, in the event that primary vendors are unable to provide service.