

**Public Employer Health Emergency Plan**  
**for the Town of Marcellus**

**MARCELLUS**  
—— **New York** ——

Adopted: March 17, 2021

This plan has been developed in accordance with NYS legislation S8617B/A10832.

## **Promulgation**

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable.

No content of this plan is intended to impede, infringe, diminish, or impair the rights of us or our valued employees under any law, rule, or regulation.

This plan has been approved in accordance with requirements applicable to the agency, jurisdiction, authority, or district, as represented by the signature of the authorized individual below.

As the authorized official of the Town of Marcellus, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with S8617B/A10832 which amends New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable, to address public health emergency planning requirements.

Signed on this day: 26th of March, 2021

By: Karen Pollard

Signature: Karen K Pollard

Title: Town of Marcellus Supervisor

## Record of Changes

Date of Change	Description of Change	Implemented by
03/17/2021	Pg. 6 -- Change Finance to Priority 1	The Marcellus Town Board
03/17/2021	Pg. 7 -- Add Park Maintenance under Highway Department for Essential Function	The Marcellus Town Board

## **Table of Contents**

Promulgation.....	1
Record of Changes.....	2
Purpose, Scope, Situation Overview, and Assumptions .....	4
Purpose .....	4
Scope.....	4
Situation Overview .....	4
Planning Assumptions .....	5
Concept of Operations .....	5
Mission and Essential Functions.....	6
Essential Positions .....	7
Reducing Risk Through Remote Work and Staggered Shifts.....	7
Remote Work Protocols.....	7
Staggered Shifts .....	8
Personal Protective Equipment .....	8
Staff Exposures, Cleaning, and Disinfection .....	9
Staff Exposures .....	9
Cleaning and Disinfecting .....	11
Employee and Contractor Leave.....	11
Documentation of Work Hours and Locations .....	12
Housing for Essential Employees .....	12

## **Purpose, Scope, Situation Overview, and Assumptions**

### ***Purpose***

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable. These laws were amended by the passing of legislation S8617B/A10832 signed by the Governor of New York State on September 7, 2020, which requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The plan includes the identification of essential positions, facilitation of remote work for non-essential positions, provision of personal protective equipment, and protocols for supporting contact tracing.

### ***Scope***

This plan was developed exclusively for and is applicable to the Town of Marcellus. This plan is pertinent to a declared public health emergency in the State of New York which may impact our operations, and it is in the interest of the safety of our employees and contractors, and the continuity of our operations that we have promulgated this plan.

### ***Situation Overview***

On March 11, 2020, the World Health Organization declared a pandemic for the novel coronavirus which causes the COVID-19 severe acute respiratory syndrome. This plan has been developed in accordance with amended laws to support continued resilience for the continuation of the spread of this disease or for other infectious diseases which may emerge and cause a declaration of a public health emergency.

The health and safety of our employees and contractors is crucial to maintaining our mission and essential operations. We encourage all employees and contractors to use CDC Guidance for Keeping Workplaces, Schools, Homes, and Commercial Establishments Safe. The fundamentals of reducing the spread of infection include:

- Using hand sanitizer and washing hands with soap and water frequently, including:
  - After using the restroom;
  - After returning from a public outing;
  - After touching/disposing of garbage;
  - After using public computers, touching public tables, and countertops, etc.
- Practice social distancing when possible;
- Wear a face mask when moving about the workplace and in other situations that may place you within six feet of another individual;
- If you are feeling ill or have a fever, notify your supervisor immediately and go home;
- If you start to experience coughing or sneezing, step away from people and food, cough or sneeze into the crook of your arm or a tissue, the latter of which should be disposed of immediately;
- Clean and disinfect workstations at the beginning, middle, and end of each shift; and
- Other guidance that may be published by the CDC, the State Department of Health, or County health officials.



## ***Planning Assumptions***

This plan was developed based on information, best practices, and guidance available as of the date of publication. The plan was developed to largely reflect the circumstances of the current Coronavirus pandemic but may also apply to other infectious disease outbreaks.

The following assumptions have been made in the development of this plan:

- The health and safety of our employees and contractors, and their families, is of utmost importance;
- The circumstances of a public health emergency may directly impact our operations;
- Impacts of a public health emergency will take time for us to respond to, with appropriate safety measures put into place and adjustments made to operations to maximize safety;
- The public and our constituency expects us to maintain a level of mission and essential operations;
- Resource support from other jurisdictions may be limited based upon the level of impact the public health emergency has upon them;
- Supply chains, particularly those for personal protective equipment (PPE) and cleaning supplies may be heavily impacted, resulting in considerable delays in procurement;
- The operations of other entities, including the private sector (vendors, contractors, etc.), non-profit organizations, and other governmental agencies and services may also be impacted due to the public health emergency, causing delays or other disruptions in their services;
- Emergency measures and operational changes may need to be adjusted based upon the specific circumstances and impacts of the public health emergency, as well as guidance and direction from public health officials and the Governor;
- Per S8617B/A10832, 'essential employee' is defined as a public employee or contractor that is required to be physically present at a worksite to perform their job; and
- Per S8617B/A10832, 'non-essential employee' is defined as a public employee or contractor that is not required to be physically present at a worksite to perform their job.

## **Concept of Operations**

The Town Supervisor of the Town of Marcellus, his or her designee, or their successor holds the authority to execute and direct the implementation of this plan. Implementation, monitoring of operations, and adjustments to plan implementation may be supported by additional personnel, at the discretion of the Town Supervisor.

Upon the determination of implementing this plan, all employees, and contractors of the Town of Marcellus shall be notified via email or telephone, with details provided as possible and necessary, with additional information and updates provided regularly. The public will be notified of pertinent operational changes by way of publication in the Town's official newspaper and postings on the Town's website. Other interested parties, such as vendors, will be notified by phone and/or email, as necessary. The Town Supervisor will maintain communications with the public and constituents as needed throughout the implementation of this plan.

The Town Supervisor of the Town of Marcellus, his or her designee, or their successor will maintain awareness of information, direction, and guidance from public health officials and the Governor's office, directing the implementation of changes, as necessary.

Upon resolution of the public health emergency, the Town Supervisor of the Town of Marcellus, his or her designee, or their successor will direct the resumption of normal operations or operations with modifications as necessary.

## **Mission and Essential Functions**

When confronting events that disrupt normal operations, the Town of Marcellus is committed to ensuring that essential functions will be continued even under the most challenging circumstances.

Essential functions are those functions that enable an organization to:

1. Maintain the safety of employees, contractors, and our constituency;
2. Provide vital services;
3. Provide services required by law;
4. Sustain quality operations; and
5. Uphold the core values of the Town of Marcellus.

The Town of Marcellus has identified as critical only those priority functions that are required or are necessary to provide vital services. During activation of this plan, all other activities may be suspended to enable the organization to concentrate on providing the critical functions and building the internal capabilities necessary to increase and eventually restore operations. Appropriate communications with employees, contractors, our constituents, and other stakeholders will be an ongoing priority.

Essential functions are prioritized according to:

- The time criticality of each essential function;
- Interdependency of one function to others; and
- The recovery sequence of essential functions and their vital processes.

Priority 1 identifies the most essential of functions, with priority 4 identifying functions that are essential, but least among them.

The mission and essential functions for the Town of Marcellus have been identified as:

<b>Essential Function</b>	<b>Description</b>	<b>Priority</b>
Governmental Administration	Coordination and authorization of all governmental functions and actions	1
Finance	The Town must continue to collect revenues and satisfy its monetary obligations	1
Official Documents	The Town must continue to maintain accurate records of its activities and provide permits and certificates as required by law	3
Public Works	The proper operation, maintenance, and repair of all Town roads and facilities are essential to the public health, welfare, and safety	1
Courts	The administration of the criminal justice system within the Town is essential to the public welfare and safety	2
Code Enforcement	Maintaining the process to ensure safe buildings and related facilities and functions through compliance with codes and standards is essential to the public welfare and safety	1

## ***Essential Positions***

Each essential function identified above requires certain positions on-site to effectively operate. The table below identifies the positions or titles that are essential to be staffed on-site for the continued operation of each essential function. Note that while some functions and associated personnel may be essential, some of these can be conducted remotely and do not need to be identified in this section.

<b>Essential Function</b>	<b>Essential Positions/Titles</b>	<b>Justification for Each</b>
Governmental Administration	<ul style="list-style-type: none"><li>• Town Supervisor</li></ul>	As chief executive officer of the Town, the Town Supervisor is responsible for coordinating and authorizing all governmental functions.
Finance	<ul style="list-style-type: none"><li>• Town Supervisor / Bookkeeper</li></ul>	As chief fiscal officer of the Town, the Town Supervisor responsible for all monetary receipts and payments on behalf of the Town and must have physical access to all relevant documents and resources.
Official Documents	<ul style="list-style-type: none"><li>• Town Clerk / Deputy Town Clerk</li></ul>	Responsible for the accurate presentation and preservation of all Town records and documents, some of which cannot be accessed or processed electronically.
Highway Department Park Maintenance	<ul style="list-style-type: none"><li>• Highway Superintendent / /all Highway Department Employees</li></ul>	Responsible for proper operation, maintenance, and repair of all Town roads and facilities.
Courts	<ul style="list-style-type: none"><li>• Town Justice / Court Clerk</li></ul>	Responsible for administration of all criminal justice matters within the Town, which requires physical access to records and court facilities.
Code Enforcement	<ul style="list-style-type: none"><li>• Code Enforcement Officer</li></ul>	Responsible for monitoring code compliance and other tasks and functions associated with ensuring safe living and working conditions, which requires on-site observations.

## **Reducing Risk Through Remote Work and Staggered Shifts**

By assigning certain staff to work remotely and by staggering work shifts, the Town of Marcellus can decrease crowding and density at work sites.

### ***Remote Work Protocols***

Non-essential employees and contractors able to accomplish their functions remotely will be enabled to do so to the greatest extent practicable. Specific tasks that can be practicably accomplished remotely by essential employees will also be enabled and authorized. Working remotely requires:

1. Identification of staff and contractors who will work remotely;
2. Identification of specific tasks assigned to essential employees that can be performed remotely;
3. Approval and assignment of remote work; and
4. Equipping staff for remote work, which may include:
  - a. Internet-capable laptop;



- b. Necessary peripherals;
- c. Access to VPN and/or secure network drives;
- d. Access to software and databases necessary to perform their duties, including provisions for forwarding Town calls to off-site staff.

Each department head shall be responsible for approving all instances of off-site remote work. In the event of any disagreement between an employee and her or his department head in any particular instance, the Town Supervisor shall have the final authority to approve or disapprove all questions involving off-site work.

### ***Staggered Shifts***

Implementing staggered shifts may be possible for personnel performing duties that are necessary to be performed on-site but perhaps less sensitive to being accomplished only within core business hours. As possible, management will identify opportunities for staff to work outside core business hours as a strategy of limiting exposure. Regardless of changes in start and end times of shifts, the Town of Marcellus will ensure that employees are provided with their typical or contracted minimum work hours per week. Staggering shifts requires:

1. Identification of positions for which work hours can and will be staggered; and
2. Approval and assignment of changed work hours.

Each department head shall be responsible for determining work shifts of employees within his or her department and whether staggered shifts are a safe and practical option for accomplishing the essential functions of the department.

### **Personal Protective Equipment**

The use of personal protective equipment (PPE) to reduce the spread of infectious disease is important to supporting the health and safety of our employees and contractors. PPE which may be needed can include:

- Masks;
- Face shields;
- Gloves;
- Disposable gowns, aprons, and shoe coverings; and/or
- Hand Sanitizer.

While cleaning supplies are not PPE, there is a related need for cleaning supplies used to sanitize surfaces, as well as hand soap. The Coronavirus pandemic demonstrated that supply chains were not able to keep up with increased demand for these products early in the pandemic. As such, we are including these supplies in this section as they are pertinent to protecting the health and safety of our employees and contractors.

Protocols for providing PPE include the following:

1. Identification of the need for PPE based upon job duties and work location;
2. Procurement of PPE:
  - a. As specified in the amended law, public employers must be able to provide at least two pieces of each required type of PPE to each essential employee during any given work shift for at least six months;
  - b. Public employers must be able to mitigate supply chain disruptions to meet this requirement.

3. Storage of, access to, and monitoring of PPE stock:

- a. PPE must be stored in a manner that will prevent degradation;
- b. Employees and contractors must have immediate access to PPE in the event of an emergency;
- c. The supply of PPE must be monitored to ensure the integrity and to track usage rates.

Each department head will be responsible for identifying PPE needs for his or her department and communicating those requirements to the Town Supervisor, who shall be responsible for procuring the specific items of PPE to the extent they are available. The Town will endeavor to have two months supply of PPE items on hand, properly stored and maintained, and available to its staff at all times.

## **Staff Exposures, Cleaning, and Disinfection**

### ***Staff Exposures***

Staff exposures are organized under several categories based upon the type of exposure and presence of symptoms. Following CDC guidelines, we have established the following protocols:

- A. If employees or contractors are exposed to a known case of communicable disease that is the subject of the public health emergency (defined as a 'close contact' with someone who is confirmed infected, which is a prolonged presence (15 minutes or more) within six feet with that person):
  1. Except as otherwise provided in paragraph 2 immediately hereafter, potentially exposed employees or contractors who do not have symptoms should remain at home or in a comparable setting and practice social distancing for the lesser of 14 days or other current CDC/public health guidance for the communicable disease in question.
    - a. As possible, these employees will be permitted to work remotely during this period of time if they are not ill, or if the severity of their symptoms does not prevent them from working remotely and the employee feels capable of continuing to perform his or her duties in a remote setting.
    - b. Each department head shall be responsible for determining whether an employee is capable of working from home. (See the sections entitled "Remote Work Protocols" and "Documentation of Work Hours and Locations" for additional information on contact tracing.)
  2. CDC guidelines for COVID-19 provide that critical essential employees may be permitted to continue work following potential exposure, provided they remain symptom-free and additional precautions are taken to protect them, other employees and contractors, and our constituency/public.
    - a. Additional precautions will include the requirement of the subject employee or contractor to take his or her temperature at the beginning of each shift, every four hours during the shift, and at the end of each shift. In addition, the subject employee or contractor, as well as others working in their proximity, shall wear a suitable face mask and other appropriate PPE at all times to limit the potential of transmission.
    - b. In-person interactions between the subject employee or contractor and other employees and members of the public will be limited to the greatest degree that is practical.
    - c. Work areas in which the subject employee or contractor are present will be disinfected according to current CDC/public health protocol at least every four hours, as practical, and at the beginning and end of each shift worked by the subject employee or contractor. See the section on Cleaning and Disinfection for additional information on that subject.

- d. If at any time they exhibit symptoms, refer to item B below.
    - e. Each department head shall, in the first instance, determine as to whether, and under what circumstances an essential employee that has been exposed may return to work. In all instances, the Town Supervisor shall have the authority to overrule and/or modify the department head's initial determination.
- B. If an employee or contractor exhibits symptoms of the communicable disease that is the subject of the public health emergency:
  - 1. Employees and contractors who exhibit symptoms in the workplace should be immediately separated from other employees, customers, and visitors. They should immediately be sent home with a recommendation to contact their physician.
  - 2. Employees and contractors who exhibit symptoms outside of work should notify their supervisor and stay home, with a recommendation to contact their physician.
  - 3. Employees should not return to work until they have met the criteria to discontinue home isolation per CDC/public health guidance and have consulted with a healthcare provider, or the employee's department head and the Town Supervisor have jointly determined that it is reasonably prudent and/or necessary for the employee to return to work.
  - 4. The Town of Marcellus will not require sick employees to provide a test result for the disease in question or healthcare provider's note to validate their illness or qualify for sick leave unless there is a recommendation from the CDC/public health officials to do so.
  - 5. The CDC's criteria for COVID-19 provides that persons exhibiting symptoms may return to work if at least 24 hours have passed since the last instance of fever without the use of fever-reducing medications. If the disease in question is other than COVID-19, CDC and other public guidance shall be referenced. In all instances, the employee's department head and the Town Supervisor shall jointly determine that it is reasonably prudent and/or necessary for the employee to return to on-site work.
  - 6. Each department head and the Town Supervisor shall be notified of each instance of an employee or contractor that has exhibited symptoms as soon as practical after the onset of any such symptoms. Each department head shall be responsible for ensuring that protective protocols are followed in each instance where an employee exhibits symptoms.
- C. If an employee or contractor has tested positive for the communicable disease that is the subject of the public health emergency:
  - 1. Apply the steps identified in item B, above, as applicable.
  - 2. Areas occupied for prolonged periods by the subject employee or contractor will be closed off.
    - a. CDC guidance for COVID-19 indicates that a period of 24 hours is ideally given before cleaning, disinfecting, and reoccupation of those spaces will take place. If this period is not possible, a period of as long as possible will be given. CDC/public health guidance for the disease in question will be followed.
    - b. Any common areas entered, surfaces touched, or equipment used shall be cleaned and disinfected immediately.
    - c. See the section on Cleaning and Disinfection for additional information on that subject.
  - 3. Identification of potential employee and contractor exposures will be conducted:



- a. If an employee or contractor is confirmed to have the disease in question, the Town Supervisor or his or her designee should inform all contacts of their possible exposure. Confidentiality shall be maintained as required by the Americans with Disabilities Act (ADA).
  - b. Apply the steps identified in item A, above, as applicable, for all potentially exposed personnel.
4. Each department head and the Town Supervisor shall be notified of each instance of an employee or contractor that has tested positive as soon as practical after the test result becomes available. Each department head shall be responsible for ensuring that protective protocols are followed in each instance where an employee has a positive test result.

We recognize there may be nuances or complexities associated with potential exposures, close contacts, symptomatic persons, and those testing positive. We will follow CDC/public health recommendations and requirements and coordinate with our local public health office for additional guidance and support as needed.

### ***Cleaning and Disinfecting***

CDC/public health guidelines will be followed for cleaning and disinfection of surfaces/areas. Present guidance for routine cleaning during a public health emergency includes:

1. As possible, employees and contractors will clean their own workspaces at the beginning, middle, and end of their shifts, at a minimum.
  - a. High traffic/high touch areas and areas which are accessible to the public/constituents will be disinfected at least hourly.
  - b. Each department head shall be responsible for ensuring that appropriate measures are taken to clean and disinfect affected areas per this Plan.
2. Staff tasked with cleaning and disinfecting areas will be issued and required to wear PPE appropriate to the task.
3. Soiled surfaces will be cleaned with soap and water before being disinfected.
4. Surfaces will be disinfected with products that meet EPA criteria for use against the virus in question and which are appropriate for that surface.
5. Staff will follow instructions for cleaning products to ensure the safe and effective use of the products.

### **Employee and Contractor Leave**

Public health emergencies are extenuating and unanticipated circumstances in which the Town of Marcellus is committed to reducing the burden on our employees and contractors. Federal and/or State law, rules, or regulations may provide certain leave and other rights to employees who are faced with such public health emergencies themselves, or which impact their families. This policy may be altered based upon changes in law or regulation, as applicable.

It is our policy that employees of the Town of Marcellus will not be charged with leave time for testing except when such testing is required as a result of the employee's voluntary decision to leave the State of New York, in which case the employee will be charged sick time. Employees may be eligible for paid leave pursuant to state and/or federal law concerning illness and/or other absences relating to a particular public health emergency. In such a case, the Town will comply with any and all notice and posting obligations to communicate such leaves. Finally, employees may also be eligible to use accrued paid leave that is available to them for circumstances relating to such public health emergencies.



Additional provisions may be enacted based upon need and the guidance and requirements in place by federal and state employment laws, FMLA, executive orders, and other potential sources.

Contractors, either independent or affiliated with a contracted firm, are not classified as employees of the Town of Marcellus, and as such are not provided with paid leave time by the Town of Marcellus unless required by law.

### **Documentation of Work Hours and Locations**

In a public health emergency, it may be necessary to document the work hours and locations of each employee and contractor to support contact tracing efforts. Identification of locations shall include on-site work, off-site visits. This information may be used by the Town of Marcellus to support contact tracing within the organization and may be shared with local public health officials. This information, to the extent, not already included in employee timesheets and associated records, shall be kept by each employee on a form to be provided by the Town Supervisor and retained by the employee until contact tracing, as it pertains to the employee, becomes necessary, at which time, the employee shall provide such documentation to the Town Supervisor for use in formulating a contact tracing plan.

### **Housing for Essential Employees**

There are circumstances within a public health emergency when it may be prudent to have essential employees lodged in such a manner which will help prevent the spread of the subject communicable disease to protect these employees from potential exposures, thus helping to ensure their health and safety and the continuity of the Town of Marcellus's essential operations.

When the need arises, the Town Supervisor shall coordinate efforts to secure lodging for essential employees.