

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

Resolution No. 2009-87

WHEREAS, on April 26, 2009, the United States Department of Health and Human Services, pursuant to §319 of the Public Health Service Act, 42 USC §247d, determined that public health emergency exists as a result of an influenza outbreak in several states;

WHEREAS, on May 1, 2009, Governor Martin O'Malley issued Executive Order 01.01/2009.05 declaring, pursuant to §14-3A-02 of the Public Safety Article of the Annotated Code of Maryland, the existence of a Health Emergency, as defined in §14-3A-01(B) of the Public Safety Article and, further declaring, pursuant to §14-107 of the Public Safety Article, the existence of a State of Emergency within the entire State of Maryland;

WHEREAS, Governor Martin O'Malley's Executive Order requested all businesses, industries and community organizations of the State voluntarily develop plans to provide mutual support and assistance to persons affected by influenza outbreak; and

WHEREAS, while the County does not have widespread illness among County employees, the Commissioners are desirous of implementing proactive policies to facilitate the containment of pandemic flu while supporting continuity of operations and protecting the health and welfare of employees and citizens.

NOW, THEREFORE, in accordance with the provisions of Article 25, Section 3, of the Annotated Code of Maryland and the Charles County Personnel Policy & Procedures Manual, revised December 4, 2007 by Resolution No. 2007-66 and September 22, 2009 by Resolution No. 2009-78, be it enacted by the County Commissioners of Charles County, Maryland, that

- 1) Effective the 20th day of October, 2009, the Charles County Personnel Policy and Procedures Manual which was adopted by the County Commissioners on December 4, 2007 be amended as set forth in the document entitled "Charles County Government Personnel Policy and Procedures Manual Addendum #2," a copy of which is attached hereto and incorporated by reference;

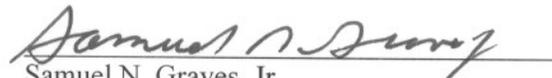
- 2) The County Administrator, in coordination with the Human Resources Director, is authorized to oversee and implement this policy and to establish reasonable rules, regulations and/or administrative policies and procedures; and
- 3) That the Department of Human Resources coordinate any necessary training and address any questions or concerns that may exist.

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND


Wayne Cooper, President


Edith J. Patterson, Vice President


Reuben B. Collins, II


Samuel N. Graves, Jr.


Gary V. Hodge

ATTEST:


Denise M. Ferguson, Clerk

Charles County Government
Personnel Policy and Procedures Manual
Addendum #2

Amended to Address Continuity of Operations in Possible H1N1 Pandemic

The following changes to **Chapter 17: Leave**, are approved for the temporary inclusion into the Charles County Personnel Policy and Procedures Manual (revised 12/04/07, with Addendum #1 effective 9/26/09) and are effective October 10, 2009 and in effect until further notice. The addendum applies to all employees subject to the Charles County Personnel Policy and Procedures Manual.

In response to an uncertain health threat from the potential outbreak of a pandemic influenza (specifically the H1N1 flu), the County has developed a comprehensive Human Resources (HR) policy to facilitate the containment of pandemic flu while supporting continuity of operations and protecting the health and welfare of employees and citizens. In compliance with HIPAA regulations, Charles County Government treats any medical information as confidential. As the flu outbreak worsens, the County's HR policy may change to accommodate the changing needs of employees and County agencies.

- Level I – Normal Operations
- Level II – Flexible Operations
- Level III – Emergency Operations

The County Administrator, in consult with the Health Officer, will make the determination of which level of operations the County is functioning. Should the County Administrator (or designee) authorize administrative leave for an employee who does not have sufficient accrued leave to cover their absence, the County may require repayment of such leave.

Level I – Normal Operations

In Level I, Normal Operations, there would be a low to moderate number of pandemic flu cases, the severity of which is equivalent to the normal seasonal flu. During this stage, the number of pandemic flu cases may increase over time. Although all County buildings will be open and conducting business as usual, as the outbreak progresses, absenteeism in departments may become noticeable and begin to concern the department as a whole, or affect specific operations. The objectives at this level are to: facilitate department operations; ensure that employees are appropriately using sick leave; and ensure that any employees who are teleworking are strictly monitored by their supervisors, as per their Teleworking Agreement.

Employees are expected to report to work as usual unless ill, on approved leave, or as otherwise directed by their Department Head or the County Administrator. Failure to report to work or to perform assigned duties as required may result in disciplinary action, up to and including termination.

Department Heads should identify essential, mission-critical functions and personnel within their departments annually by November 1st. As defined in **Chapter 19: Emergency Situations**, “Essential service personnel are those employees employed in County agencies, departments, and/or offices whose services are considered necessary at all times under all circumstances.” Currently the Department of Emergency Services, the Utilities Department, and selected operations within the Department of Public Facilities have designated Essential Service Personnel. Department Heads may declare additional employees as essential/mission-critical when necessary.

A Department Head may alter an employee’s work schedule, work location, or duties when authorized in order to meet the needs of the department, to provide service to the citizens of Charles County, or to promote social distancing to prevent or slow the spread of the pandemic flu. Eligible employees may be allowed to telework pursuant to the current Telework Policy (adopted March 2009).

An employee who reports to work while exhibiting symptoms of a flu-like illness (fever, headache, muscle aches, weakness/exhaustion) should be encouraged to return home, utilizing the employee’s own leave. An employee who is sick with flu-like symptoms may return to work after remaining symptom- and fever-free (temperature of less than 100° F without the use of fever-reducing medications) for at least twenty-four (24) hours. An employee who is absent due to the employee’s own illness, or to care for a sick member of the employee’s immediate family may use accrued leave (including sick leave), compensatory time, furlough day(s), or leave without pay. An employee who stays home because the employee’s child’s school or day care is closed for pandemic precautionary reasons may use accrued leave (including sick leave), compensatory time, furlough day(s), or leave without pay. For purposes of leave, immediate family members are defined in **Chapter 18: FMLA** as: parent; child (biological, stepchild, foster child, or adopted child); or spouse. An employee who must be absent for one of the foregoing reasons and who does not have accrued leave or has run out of accrued leave during the period of absence, may be placed on leave without pay for the part of the absence not covered by paid leave.

In Level I operations, employees may be required to provide medical certification upon their return to work for any absence of three (3) or more consecutive days of sick leave. For employees working shift work, the Department Head may request that leave for absences of more than two (2) consecutive shifts or beyond two (2) twenty-four hour shifts in a month must be accompanied by a physician’s certificate. For absences of one or two days, employees who are under an order by their direct supervisor to provide a medical certification with any absences must still abide by that order, unless otherwise directed by their supervisor or Department Head.

Level II – Flexible Operations

This level is marked by a moderate to high number of pandemic flu cases; and/or increased severity of the pandemic flu, but with low mortality rates; or implemented for precautionary reasons by the County Administrator, in whole or in part, as deemed appropriate. The number

of flu cases will continue to increase. Although, in general, County buildings will be open and conducting business, certain buildings or departments, or certain areas of the County, may be closed due to Level III Emergency Operations. Some schools and day care centers may have closed, with the number increasing later in this stage, forcing employees with children to stay home. Absenteeism in departments will be noticeable, and perhaps significant, and will cause disruption in department operations as a whole, or in specific locations. Department Heads requesting Level II status for some or all of their department's operations must make a recommendation to the County Administrator, including information on their rate of absenteeism, impact to operational status, and contingency plans.

The objectives at this level are to: minimize the spread of the pandemic flu while maintaining County operations; encourage sick employees to remain at home in order to avoid the spread of the pandemic flu; ease return-to-work documentation requirements in order to avoid overburdening health care workers; and, facilitate social distancing by relaxing telework requirements and delegating telework decisions to Department Heads.

There are several components to Level II. The County Administrator may implement one or more of these components, as deemed appropriate. These components are:

- Relaxing physician's certificate requirements;
- Relaxing the telework requirements (for non-essential employees);
- Personnel schedule changes (ex: staggering hours/days).

During this stage, departments should begin to utilize a central method for communicating relevant and accurate information to employees regarding any changes in policy or practice, and should ensure that employees are aware of this resource as the means of obtaining up-to-date information. Departments should implement practices that distance employees from each other, customers, and the general public, including the use of telephones, teleconferences, e-mail, and web sites, rather than face-to-face contact or meetings in confined rooms. Department Heads may also implement staggered shifts in their departments, assigning some employees across days or hours. This would ensure continuing operations while reducing employee contact and the potential for further exposure to a pandemic flu.

In this stage, employees are expected to report to work as usual unless ill, on approved leave, or as otherwise directed by their Department Head. Failure to report to work or to perform assigned duties as required may result in disciplinary action, up to and including termination. A Department Head may alter an employee's work schedule, work location, or duties when authorized in order to meet the needs of the department, to provide service to the citizens of Charles County, or to promote social distancing to prevent or slow the spread of the pandemic flu. A Department Head may cancel previously approved annual or personal leave or furlough days and require an employee to report to work to reduce impact on department operations.

Eligible employees may be allowed to telework without a formal Teleworking Agreement although Department Heads will determine the required documentation within forty-eight (48) hours of occurrence. As this stage progresses, departments may consider implementing staggered work shifts, or practices allowing employees to telework with reduced

documentation requirements. The department and the employee should work together to find ways to enable employees to perform their job functions while away from the central work location, assuming it is feasible, based on their duties and responsibilities. The Department of Human Resources may assist Department Heads in evaluating the issues when considering approving alternate work arrangements upon the declaration of pandemic emergency or under other approved circumstances. Prior to this stage, each department should have submitted a completed Telework Capabilities worksheet to the Department of Human Resources, to facilitate discussion of possible telework arrangements. Human Resources will provide guidance to departments on employee telework requests and documentation required, as evaluated on a case-by-case basis.

An employee who reports to work while exhibiting symptoms of a flu-like illness should be encouraged to return home, utilizing the employee's own leave. An employee who is absent due to the employee's own illness, or to care for a sick member of the employee's immediate family, may use accrued leave (including sick leave), compensatory time, furlough day(s), or leave without pay. An employee who stays home because the employee's child's school or day care is closed for pandemic precautionary reasons may use accrued leave (including sick leave), compensatory time, furlough day(s), or leave without pay. An employee who must be absent for one of the foregoing reasons and who does not have accrued leave or has run out of accrued leave during the period of absence, will be placed on leave without pay for the part of the absence not covered by paid leave.

An employee who is sick with flu-like symptoms may return to work after remaining symptom- and fever-free (temperature of less than 100° F without the use of fever-reducing medications) for at least twenty-four (24) hours. Widespread flu illnesses could severely strain the medical infrastructure with a flood of patients that require medical attention. Allowing employees to stay home to reduce the spread of the contagion and recuperate if they are not in need of medical treatment will help to alleviate much-needed medical resources. During Level II operations, supervisors of employees on sick leave for more than three (3) consecutive days are directed to accept a written statement from the employee confirming their inability to work due to illness, in lieu of a doctor's note or other medical certification. For absences of one or two days, employees who are under an order by their direct supervisor to provide a medical certification with any absences must still abide by that order, unless otherwise directed by their supervisor or Department Head.

Level III – Emergency Operations

This level is marked by a high number of pandemic flu cases (as much as 40% of the County employee population), and/or a greater severity of the resulting illness, with the likelihood of increasing mortality rates; or this level may be implemented for precautionary reasons by the County Commissioners, in whole or in part, as deemed appropriate. Schools and day care centers will be closed, either throughout the County or in affected areas. Pursuant to the authority of the Board of County Commissioners, County buildings will be closed to the public, either County-wide or in designated areas.

The objectives at this level are to: contain the pandemic flu by ceasing all non-emergency non-mission-critical functions; require sick employees to remain at home in order to avoid the spread of the pandemic flu; and facilitate social distancing by relaxing telework requirements and delegating telework decisions to Chiefs or the employee's immediate supervisor.

Only mission-critical functions will continue. Employees who show up for work exhibiting flu-like symptoms will be sent home and will utilize their own leave. The County Commissioners or County Administrator may authorize the screening of employees reporting for duty as appropriate and/or recommended by public health officials. Department Heads may declare additional employees as emergency essential/mission-critical as necessary.

All essential/mission-critical employees, unless on sick leave or some other form of approved leave, are required to report for work. Employees who work overtime hours in response to unforeseen emergency situations will be compensated according to the Emergency Hours provision in **Chapter 14: Overtime** of the Personnel Policy and Procedures Manual. A Department Head may cancel previously approved annual or personal leave or furlough days and require an essential employee to report to work to reduce impact on department operations.

A Department Head may alter an employee's work schedule, work location, or duties when authorized in order to meet the needs of the department, to provide service to the citizens of Charles County, or to promote social distancing to prevent or slow the spread of the pandemic flu. Upon activation of the County's Continuity of Operations Plan (COOP), an employee may be required to perform work assignments outside the scope of the employee's usual responsibilities, and may be assigned to work at a location other than their normal work location, or for periods of time other than those normally designated as the employee's regular work hours. Employees who refuse to perform work assignments outside the scope of their usual responsibilities or work hours, or refuse to report to an alternate work site, will be subject to discipline.

Essential/mission-critical employees with suitable jobs may be allowed or required to telework. At the discretion of the Department Head, the required telework paperwork and work-tracking documentation adopted in March 2009 may be temporarily suspended.

All non-essential/non-mission-critical employees who are not on approved leave will be placed on administrative leave and will be required to stay home during the time that their department/work location is at Level III. All non-essential/non-mission-critical employees who can do some work from home (or a remote facility) will be required to perform whatever duties they can to support the County. Essential/mission-critical employees who are absent due to their own illness, or to care for a sick immediate family member, may use accrued leave (including sick leave), compensatory time, furlough days, or leave without pay. An essential/mission-critical employee who was sick with flu-like symptoms may return to work after remaining symptom- and fever-free (temperature of less than 100° F without the use of fever-reducing medications) for at least twenty-four (24) hours without medical documentation, including absences of one or two days.