

Public Employer Health Emergency Plan



Town of Orchard Park

Date of Adopted: March 17, 2021

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3/3/2021

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This plan 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.

This plan developed with the input of Orchard Park Blue Collar Unit, Orchard Park White Collar Unit 815, Orchard Park Police Benevolent Association, Inc., and Orchard Park Police Command Officers Association, Inc., as required by the amended New York State Labor Law.

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, regulation, or collectively negotiated agreement, or the rights and benefits that accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

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.

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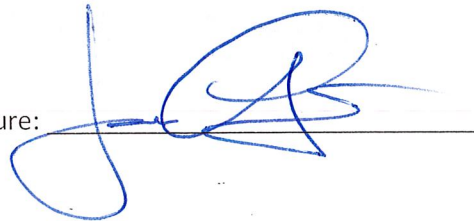
As the authorized official of Town of Orchard Park, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with S8617B/A10832 which amends New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 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:

By: Joseph Liberti

Title: Deputy Supervisor

Signature:



Record of Changes

Date of Change	Description of Change	Implemented by
3/2/21	Change essential function for Highway and Town Clerk; add wording current Federal, State and County Guidelines (p.8)	Gene Majchrzak

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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, 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 developed for and is applicable to the Town of Orchard Park. 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 a 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 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
- 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
- Other guidance which 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 developed largely reflects the circumstances of the Coronavirus pandemic but may also be applicable 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 own 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 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 work site to perform their job
- Per S8617B/A10832, 'non-essential employee' is defined as a public employee or contractor that is not required to be physically present at a work site to perform their job

Concept of Operations

The Supervisor of the Town of Orchard Park, their designee, or their successor holds the authority to execute and direct the implementation of this plan. Additional personnel, at the discretion of the Supervisor, may support implementation, monitoring of operations and adjustments to plan implementation.

Upon the determination of implementing this plan, Department Managers shall notify all employees and contractors of Town of Orchard Park, with details provided as possible and necessary, with additional information and updates provided on a regular basis. Orchard Park Residents will be notified of pertinent operational changes by way of *CodeRed notification, social media and local news agencies*. Other interested parties, such as vendors, will be notified by phone and/or email as necessary. Supervisor will maintain communications with the public and constituents as needed throughout the implementation of this plan.

The Supervisor of the Town of Orchard Park, their 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 Supervisor of the Town of Orchard Park, their designee, or their successor will direct the resumption of normal operations or operations with modifications as necessary.

Mission Essential Functions

When confronting events that disrupt normal operations, the Town of Orchard Park is committed to ensuring that essential functions continue 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
5. Uphold the core values of the Town of Orchard Park

The Town of Orchard Park 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 a one function to others
- 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 essential functions for Town of Orchard Park identified as:

Essential Function	Description
<i>Police/Dispatch</i>	<i>Police Departments purpose is the protection of life, property, enforcement of laws, maintaining public order and delivery of services during the health emergency.</i>
<i>IT Department</i>	<i>Provides all hardware and software for the town. Maintains the town's network and phone system.</i>
<i>Maintenance Department</i>	<i>Clean, disinfect and maintain Municipal Buildings</i>
<i>Sanitary Sewer System</i>	<i>Maintain sanitary sewer system</i>
<i>Highway Department</i>	<i>Continue to provide services ranging from snowplowing, road repair, and debris removal from storms, drainage repairs and brush pickup during the health emergency.</i>
<i>Building Inspectors Department</i>	<i>Provide inspections to new and existing buildings.</i>
<i>Town Clerks Office</i>	<i>Record activities of town government, continue with vital statistics, records management, issuing licenses, permits, and filing of necessary documents during the health emergency.</i>
<i>Engineering Department</i>	<i>Provide inspections to construction site projects (subdivisions, waterline extensions, sewer extensions, etc.)</i>

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.

Essential Function	Essential Positions/Titles	Justification for Each
IT Department	<ul style="list-style-type: none"> • Manager • Staff 	<i>The IT manager establishes all priorities for IT tasks and organizes staff to assist with deployment of remote work protocols</i>
Police Department	<ul style="list-style-type: none"> • Entire Department 	<i>The protection of life, property, and enforcement of laws</i>
Highway Department	<ul style="list-style-type: none"> • Highway Superintendent 	<i>At the discretion of the Highway Superintendent based on weather conditions and safety.</i>
Maintenance Department	<ul style="list-style-type: none"> • Entire Department 	<i>To provide for a clean and safe working environment.</i>
Building Inspections	<ul style="list-style-type: none"> • Building Inspector 	<i>Enforcement of building codes and Town ordinances</i>
Town Clerks Office	<ul style="list-style-type: none"> • Town Clerk 	<i>At the discretion of the Town Clerk based on work requirements.</i>
Sewer & Lighting	<ul style="list-style-type: none"> • Entire Department 	<i>Keep sanitary sewer pump stations and sewer lines operational</i>
Site Inspection	<ul style="list-style-type: none"> • Town Engineer 	<i>Enforcement of Town ordinances as they relate to construction projects</i>

Essential functions listed above are subject to change based on current Federal, State and County guidelines for the health emergency.

Reducing Risk through Remote Work and Staggered Shifts

Through assigning certain staff to work remotely and by staggering work shifts, we can decrease crowding and density at work sites and on public transportation

Remote Work Protocols

Non-essential employees and contractors able to accomplish their functions remotely will be enabled to do so at the greatest extent possible. Working remotely requires:

1. Identification of staff who will work remotely – Department Managers, Chief of Police, Highway Superintendent, Town Clerk and Immediate supervisors will determine who will work remotely from there departments.
2. Approval and assignment of remote work - Department Managers, Chief of Police, Highway Superintendent, Town Clerk and Immediate supervisors will coordinate with the Town Board and any other groups as determined by the Board.
3. Equipping staff for remote work, which may include will be handled by the IT Department:
 - 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
- e. A solution for telephone communications
 - i. Note that phone lines may need to be forwarded to off-site staff

The department managers and the IT Department will work together to take the necessary steps and set up the workflow for this section.

Staggered Shifts

Implementing staggered shifts may be possible for personnel performing duties which 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, Town of Orchard Park 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 will be staggered
2. Approval and assignment of changed work hours

The Town Board and department managers will work together to take the necessary steps and set up the staggered shifts for this section.

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
- Gloves

Note that while cleaning supplies are not PPE, there is a related need for cleaning supplies used to sanitize surfaces, as well as hand soap and hand sanitizer. 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 need for PPE based upon job duties and work location.
Employees and contractors who work closely with one another are issued proper PPE as required by the CDC. Employees and contractors who also encounter the public are issued proper PPE as required by the CDC.
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 and contractor during any given work shift for at least six months

All employees and contractors that work for the Town are issued disposable face protection as needed during a statewide pandemic.

- b. Public employers must be able to mitigate supply chain disruptions to meet this requirement
The Town will keep a list of vendors that they will work closely with then to obtain the necessary supplies.
3. Storage of, access to, and monitoring of PPE stock
 - a. PPE must be stored in a manner which will prevent degradation
Supplies will be kept in a dry secure location within the Orchard Park Municipal Building.
 - b. Employees and contractors must have immediate access to PPE in the event of an emergency
Supplies will be readily access by all department managers.
 - c. The supply of PPE must be monitored to ensure integrity and to track usage rates
The Maintenance Department and Emergency Manager will monitor the PPE supplies.

The Emergency Manager, the working crew chief of the Maintenance Department and the Supervisors Office will identify the required PPE following CDC and State guidelines for the stated health emergency. The working crew chief of the Maintenance Department will keep a list of all vendors and contact information.

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 within six feet with that person):
 1. 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.
 - b. identify who, by title/position, in the organization must be notified and who is responsible for ensuring these protocols are followed
The immediate department manager for that employee and the Supervisor shall be notified.
 - c. See the section titled 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 the public.
 - a. Additional precautions will include the requirement of the subject employee or contractor, as well as others working in their proximity, to wear appropriate PPE at all times to limit the potential of transmission.
 - b. In-person interactions with the subject employee or contractor will be limited as much as possible.

- 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 hour, as practical. 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. identify who, by title/position, in the organization is the decision-maker in these circumstances and who is responsible for ensuring these protocols are followed
The immediate department manager and the Supervisor.

Item 2 above may not apply if the public employer is not considered critical infrastructure.

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.
- 4. Town of Orchard Park will not require sick employees to provide a negative test result for the disease in question or healthcare provider's note to validate their illness, qualify for sick leave, or return to work; unless there is a recommendation from the CDC/public health officials to do so.
- 5. CDC 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.
- 6. identify who, by title/position, in the organization must be informed in these circumstances and who is responsible for ensuring these protocols are followed
The immediate department manager and the Supervisor.

B. If an employee or contractor has tested positive for the communicable disease that is the subject of the public health emergency:

- 1. Areas occupied for prolonged periods of time 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 time 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.
- 2. Identification of potential employee and contractor exposures will be conducted
 - a. If an employee or contractor is confirmed to have the disease in question, Supervisor or their 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.
- 3. Identify who, by title/position, in the organization must be notified in these circumstances and who is responsible for ensuring these protocols are followed
The immediate department manager and the Supervisor.

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 in 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. identify who, by position/title, is responsible for cleaning common areas, and the frequency of such
The working crew chief for the Maintenance Department and there staff will clean common areas following the CDC for cleaning frequency.
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 of cleaning products to ensure safe and effective use of the products.

Employee and Contractor Leave

Public health emergencies are extenuating and unanticipated circumstances in which Town of Orchard Park is committed to reducing the burden on our employees and contractors. The *Families First Coronavirus Response Act* provided requirements related to the COVID-19 pandemic, which form the policies outlined below. This policy may be altered based upon changes in law or regulation, as applicable.

It is our policy that employees of Town of Orchard Park will not be charged with leave time for testing.

Employees will be provided with up to two weeks (80 hours) of paid sick leave at the employee's regular rate of pay for a period which the employee is unable to work due to quarantine (in accordance with federal, state, or local orders or advice of a healthcare provider), and/or experiencing symptoms and seeking medical diagnosis.

Further, Town of Orchard Park will provide up to two weeks (80 hours) of paid sick leave at two-thirds the employee's regular rate of pay if the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to federal, state, or local orders or advice of a healthcare provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to the public health emergency, and/or the employee is experiencing a substantially similar condition as specified by the CDC/public health officials. This provision may be modified if an employee is able to effectively work remotely and the need exists for them to do so.

Additionally, Town of Orchard Park will provide up to an additional 10 weeks of paid expanded family and medical leave at two-thirds of the employee's regular rate of pay where an employee, who has been employed for at least 30 calendar days by Town of Orchard Park, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to the public health emergency. This provision may be modified if an employee is able to effectively work remotely and the need exists for them to do so.

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 Town of Orchard Park, and as such are not provided with paid leave time by Town of Orchard Park, unless required by law.

Documentation of Work Hours and Locations

In a public health emergency, it may be necessary to document 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 Town of Orchard Park to support contact tracing within the organization and may be shared with local public health officials.

The Town of Orchard Park will use the Kronos Payroll system to track employees and department manager staffing assignments for employees.

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 Town of Orchard Park essential operations.

If such a need arises, the Orchard Park Community Activity Center is expected to be the most viable option. If the Activity Center are for some reason deemed not practical or ideal, or if there are no hotel rooms available in other communities, the Town of Orchard Park will coordinate with the Orchard Park Emergency Manager and

the Erie County Department of Homeland Security and Emergency Services to help identify and arrange for these housing needs. Emergency Manager will be responsible to coordinating this section.

Date the Employer Health Emergency Plan submitted to the Town Unions, Orchard Park Blue Collar Unit, Orchard Park White Collar Unit 815, Orchard Park Police Benevolent Association, Inc., and Orchard Park Police Command Officers Association, Inc., December 22, 2020.

As of January 25, 2021, the Town has not received any comments from any of the Town Unions.