



## Board of Alderman Request for Action

**MEETING DATE:** 10/19/2021

**DEPARTMENT:** Administration

**AGENDA ITEM:** Resolution 985 – Employee COVID-19 Policy

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### **REQUESTED BOARD ACTION:**

Motion to approve Resolution 985, adopting amendments to the personnel policies handbook related to employee COVID-19 sick leave.

### **SUMMARY:**

At the September 7, 2021, Board of Aldermen meeting, the Board directed staff to prepare information relating to current response to the COVID-19 pandemic for review and discussion. Specifically, the Board requested staff provide information to assist Board discussion relating to vaccine requirements for City employees.

The Board discussed this information at a work session on September 21, 2021 and directed staff to develop a policy which would provide paid sick time for employees who have been vaccinated for COVID-19.

The policy as presented provides 14 days of paid leave for employees who have been vaccinated, who have begun the vaccination process by receiving at least one dose or who have previously been granted a reasonable accommodation.

The Board also directed that staff explore a testing requirement for unvaccinated employees. Staff continues to work to provide information for review relating to this request.

### **PREVIOUS ACTION:**

The Employee Handbook is reviewed and updated annually. The most recent changes were adopted by the Board on September 15, 2020, effective November 1, 2020. Additional changes to the handbook for 2022 may be recommended following completion of the Employee Compensation and Classification Study currently underway.

### **POLICY ISSUE:**

N/A

### **FINANCIAL CONSIDERATIONS:**

N/A

### **ATTACHMENTS:**

- |  |                                   |
|--|-----------------------------------|
| <input type="checkbox"/> Ordinance             | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report          | <input type="checkbox"/> Minutes  |
| <input type="checkbox"/> Other: Policy         |                                   |

## **RESOLUTION 985**

### **A RESOLUTION ADOPTING AMENDMENTS TO THE PERSONEL POLICIES HANDBOOK.**

**WHEREAS**, the City of Smithville has adopted and set forth principles and procedures to be followed by the City in the administration of the City's personnel program. These principles and procedures were adopted to establish an efficient, equitable and functional system of personnel administration to govern the appointment, promotion, transfer, layoff, dismissal, discipline and other related conditions of employment; and,

**WHEREAS**, the Board has identified and recommended changes to the policy based on the current public health pandemic and response to COVID-19; and,

**WHEREAS**, addition of Section 11-6 Evaluation for and/or Absence from Work Sick Days Related to COVID-19 is recommended; and,

**WHEREAS**, the Board of Aldermen of the City of Smithville desires to adopt the changes to the existing policies and procedures as the principles and procedures which should be followed by the City in the administration of the City's personnel program; and,

**WHEREAS**, the Board of Aldermen of the City of Smithville states that each existing policy and procedure not specifically amended are hereby readopted in conjunction with the amendments set forth as the principles and procedures which should be followed by the City in the administration of the City's personnel program; and,

**WHEREAS**, the Board of Aldermen of the City of Smithville wish to restate that the policies and procedures as amended is not intended to be a contract between the City and its employees and does not crate contractual rights for employees.

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI:**

**THAT**, the existing policies and procedures as amended are the policies and procedures which should be followed effective October 22, 2021 by the City in the administration of the City's personnel program.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 19<sup>th</sup> day of October 2021.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

*Section 11-6 Evaluation for and/or Absence from Work Sick Days Related to COVID-19*

Effective Dates: 10-22-21 until otherwise terminated by the Board of Aldermen

*Employees should Remember, there are resources available to the Employee through the City Human Resources (HR) department.*

**A. Risk Analysis for COVID-19 Absences from Work or Eligibility to Report to Work**

Employees need to immediately contact their supervisor if they experience any of the following:

- The employee or someone in their household is experiencing COVID-19 symptoms.
- They or someone in their household has undergone symptomatic testing for COVID-19.
- The employee thinks they have been exposed to someone with COVID-19.
- They have been in close contact with someone who has undergone symptomatic tested or has tested positive.
- They see indications that lead them to reasonably believe a coworker is showing symptoms of COVID-19.

Employee's failure to contact her/his supervisor is considered a violation of this policy. Any violation may lead to disciplinary action up to and including termination.

Employees must also report to their supervisor immediately if they believe that they have been exposed to a member of the public with COVID-19 while carrying out required and unavoidable job duties. This will be documented at the time of occurrence with employee's supervisor and the Assistant City Administrator.

Supervisors are responsible for contacting the Assistant City Administrator for a risk analysis. Supervisors can call the Assistant City Administrator or the City Administrator to evaluate the circumstances based on the most recent guidance available.

Employees may be requested to take (if there is a charge - at the City's expense) a city reasonably approved COVID-19 test. Employees will be given time from work for any such testing. The employee will be responsible for providing documentation of the results of the test to the City Administrator and the Assistant City Administrator.

*To assist Clay County Public Health with timely and efficient contact tracing efforts, The City will provide said Health Department with limited contact information should the employee be identified as a close and direct contact of a positive COVID-19 case and/or tests positive. If the employee chooses to opt out of this notification process, the employee must notify the City Administrator. Opting out of this does not allow the employee to opt out of mandated quarantine nor does it allow the employee to opt out in the instance that the City of Smithville requires the employee to stay home to minimize the potential spread of COVID-19.*

## B. Types of Absence from Work Related to COVID-19

Qualifying absences are when an employee:

1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 (stay at home order is not considered quarantine).
2. Has been advised by a health care provider to self-quarantine related to COVID-19.
3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis – This may qualify as FMLA leave.
4. Is caring for an individual who is subject to an order described in (1) or is in self-quarantine as described in (2 above).
5. Is caring for a child whose school or place of care is **closed** (or childcare provider is unavailable) for reasons related to COVID-19.
6. Is experiencing symptoms and/or side effects within 72 hours after receiving a vaccine, or is experiencing any other substantially similar condition like a potential COVID-19 exposure
  - If an employee needs to be absent from work to receive the COVID-19 vaccine, employees may request reasonable paid time away from work to procure the vaccine (see Section D). It is requested that an employee schedule their vaccine either at the beginning of shift or end of shift to help with staffing.
  - If an employee experiences side effects from the vaccine and needs to miss work, the employee should contact the City Administrator and will be paid for reasonable time off after the City Administrator and the Assistant City Administrator have completed their risk assessment (see Section IV). If an employee calls in sick, supervisors will still need to contact the City Administrator or the Assistant City Administrator.
7. For full-time and part-time regular employees only: Are unable to work due to the City closing their work area and they are unable to work remotely or unable to gain a temporary assignment from their department or via risk management.

The Department of Labor encourages employers and employees to collaborate to achieve flexibility and meet mutual needs. Please consider this when requesting a leave of absence.

To continue to operate, there are essential positions that must be filled. Due to the nature of City work, some employees may be required to report to work even if they request to be absent. Supervisors will communicate with affected employees on a case-by-case basis as needed.

### **C. Call in Procedures for Absence from Work**

For every absence from work:

- Employees should continue to use their regular division/department/City rules for calling in any absence from work.
- Supervisors should call the City Administrator and the Assistant City Administrator for assessment of any COVID-19 related issues.

### **D. Pay Options During Absence from Work**

#### **(COVID-19) Sick Pay – For Qualified Employees Only**

(COVID-19) Sick Pay for Qualified Employees.

As used herein the Term “**Qualified Employees**” shall mean, (1) those Employees who have been vaccinated; or (2) those Employees who have begun the COVID-19 vaccination process by receiving at least one vaccine dose; or (3) those Employees who have previously been granted a Reasonable Accommodation (under 11-6, Section V below).

Effective 10-22-21 until terminated by the Board of Aldermen. HR maintains a file of submitted vaccination cards. All cards shall be submitted to the City Administrator or the Assistant City Administrator.

Effective 10-22-21, until otherwise terminated by the Board of Aldermen. the City will grant COVID-19 Sick leave for COVID-19 related issues to Qualified Employees as follows:

- Full-time and part-time **Qualified Employees**. The reason must fall into one of the reasons listed in 11-6 Section II above.
- All Full-time and part-time regular employees for whom City Administrator or the Assistant City Administrator authorizes sick COVID-19 Sick Pay due to a specific set of circumstances when quarantine or isolation occurs due to unavoidable documentable contact with the public in the performance of required job duties.
- Beginning 10-22-21 until further order of the Board of Aldermen, all use of the COVID-19 Sick Pay going forward will require the approval of City Administrator or the Assistant City Administrator. Employees must request such COVID-19 sick pay and provide any reasonably requested documentation to support the reason and submit a written request and supporting documentation to the City Administrator or the Assistant City Administrator.
- If verified by the City Administrator or the Assistant City Administrator that the employee is a Qualified Employee, said employee may apply for COVID-19 sick pay for up to a maximum total of fourteen (14) business days as reasonably necessary for absences necessitated under Section II above or approved by the City Administrator or the Assistant City Administrator. This COVID-19 sick pay is in addition to such full-time Employee's personal accumulated sick leave. If the

reason for the absence under Section B is greater than fourteen (14) business days, the full-time Qualified Employee may apply for and request shared leave pursuant to the terms and conditions of 11-5 of the Employee Handbook. Nothing herein shall be deemed to entitle such employee to any shared leave.

- Nothing herein should be construed as granting part-time employees any sick leave other than as herein set forth. Part-Time Qualifying Employees will be paid up to the maximum of fourteen (14) Business Days the average wages said employee would have otherwise reasonably earned but for absences necessitated under Section II above or approved by the City Administrator or the Assistant City Administrator. Part-Time Qualifying Employees shall remain ineligible to apply for or receive any shared leave under 11-5 of the Employee Handbook for any absence necessitated under Section II above as well as any other sick leave from the City.

## **E. Reasonable Accommodations**

If an employee has an ADA qualifying disability or a sincerely held religious belief that prevents the employee from participating in the COVID-19 Vaccination program, the employee should request an accommodation, using the following process:

1. Make a request to the employee's Supervisor who will then contact Human Resources and the City Administrator for evaluation.
2. Employee will provide any documentation reasonably requested by the City concerning the requested accommodation.
3. Human Resources or the City Administrator will contact the employee and the Supervisor with the results of the evaluation.
4. Paperwork and documentation may be required for COVID-19 related accommodations.

## **F. COVID-19 sick pay is not available, and the employee will be required to use personal paid time off if:**

- The employee is **NOT VACCINATED**; and/or,
- The employee has not begun the vaccination procedure by receiving at least one dose of vaccine; and/or,
- The employee has not received a Reasonable accommodation pursuant to Section V; and/or,
- School (or childcare provider) is open, and a choice is made by the parent/guardian to keep the child home; and/or
- School (or childcare provider) is closed for reasons other than COVID-19 related matters; and/or
- The absence does not fall into any of the categories from Section II above and the employee chooses to stay home if work is available.

If the employee is not eligible for COVID-19 sick pay as set out in 11-6 Section D above, the employee will have to use their own benefit time. Paid time off policies can be found under the balance of the Employee Handbook. Additionally, Section 11-5 of the Employee Handbook notwithstanding, an employee who is not a "**Qualified**

**Employee"** as defined above shall be ineligible to apply for or receive any Shared Leave (pursuant to Section 11-5 of the Employee Handbook) for any absence which would otherwise have entitled said employee to be eligible to receive COVID-19 Sick pay under 11-6 Section D.

*The City will continue to monitor the situation. This policy is subject to change on short notice.*