

# Public Employer Health Emergency Plan for Town of Fallsburg

date of approved plan

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.

This plan has been developed with the input of CSEA Local 853, 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 which 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.

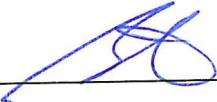
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As the authorized official of Town of Fallsburg, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with S8617B/A10832 which amends New York State Labor Law section 27-c and New York State Education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

Title: Town of Fallsburg Supervisor

Signature: 

## Record of Changes

Date of Change	Description of Change	Implemented by
12/9/20	Draft 1	Mollie Messenger
12/17/20	Draft 2 – Management Staff Review	Mollie Messenger / Scott DuBois
1/20/21	Draft 3 – Town Employee Staff review	Mollie Messenger / Scott DuBois
1/29/21	Draft 4 – Town Attorney Review	Paula Kay, Esq.
2/5/21	Draft 4 – Sent to Union	Donnie Corbett
3/12/21	Draft 5	Essential personnel updated
3/31/21	Draft 6	Essential personnel updated

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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 was developed exclusively for and is applicable to the Town of Fallsburg. 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 was developed to largely reflect the circumstances of the current 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 Fallsburg, their 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 Supervisor of the Town of Fallsburg.

Upon the determination of implementing this plan, all employees and contractors of the Town of Fallsburg shall be notified by their direct Supervisor, with details provided as possible and necessary, with additional information and updates provided on a regular basis. All Town of Fallsburg staff members will be notified of pertinent operational changes by way of their direct manager or supervisor. Other interested parties, such as vendors, will be notified by phone and/or email as necessary. The Supervisor of the Town of Fallsburg and or the Police Chief will maintain communications with the public and constituents as needed throughout the implementation of this plan.

The Supervisor of the Town of Fallsburg, 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 Fallsburg, 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 Fallsburg 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
5. Uphold the core values of the Town of Fallsburg

The Town of Fallsburg 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 the Town of Fallsburg have been identified as:

Essential Function	Description	Priority
Supervisor / Police	Duties and responsibilities as directed by the Supervisor of the Town of Fallsburg and / or the Police Chief of the Town of Fallsburg	1
Sewer	Essential Functions of TOF sewer plant consisting of 4 sewer plants (LS, WHO, MTDL, Avon)	1
Water	Essential Functions of TOF 21 wells and 12 water tanks	1
Utility	Essential functions to maintain infrastructure	1
Highway	Essential functions to maintain the roads and TOF properties depending on the season	1/2
Code Enforcement	Essential functions for critical inspections as they relate to new buildings, operation of existing buildings or the removal of buildings.	2
Parks Department	Essential functions to maintain Town Properties depending on the season	2 / 3
Comptroller	Maintain Payroll and manage accounts payable and receivable	3
Assessor	Tax roll creation and grievance	3
Court Personnel	Maintain Court records and scheduling	3
Town Clerk	Maintain Town Records	4
Golf Course	Maintain Golf Course	4

## 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
Supervisor's Office	Supervisor Supervisor's Confidential Secretary	Maintain communication functions regarding emails or address alert systems as needed.
Police	<ul style="list-style-type: none"> <li>Police Chief</li> <li>Police Officer</li> </ul>	Oversee critical functions to maintain safety for the residents of the Town of Fallsburg - The minimum of 6 personnel are required for a 24-hour shift by dictated by the Police Chief
Court	<ul style="list-style-type: none"> <li>Judge</li> </ul>	Preside over court proceedings as needed or required
Sewer	<ul style="list-style-type: none"> <li>Chief Operator</li> <li>Operator</li> </ul>	All facilities need daily rounds check, daily sampling, daily maintenance of solids as well as basic maintenance. – The minimum staff required is 5 personnel per day, as dictated by the Chief Operator
Water	<ul style="list-style-type: none"> <li>Operator in Responsible Charge</li> <li>Operator</li> </ul>	Daily check on all wells, sampling and addition of required chemicals. 4 personnel per day, as dictated by the Operator in Responsible Charge
Utility	<ul style="list-style-type: none"> <li>DPW Supervisor</li> <li>Laborer</li> </ul>	Maintenance of pump stations, grinder stations, water and sewer mains. A minimum of 2 personnel per day as dictated by the Utility Supervisor
Highway	<ul style="list-style-type: none"> <li>Highway Superintendent</li> <li>HE Operator</li> <li>Laborer</li> </ul>	Maintain roadways and Town Properties. A minimum of 8-10 personnel are required per day. In a weather event the entire highway staff may be required daily. The staffing needed for the emergency will be dictated by the Highway Superintendent
Code Enforcement	<ul style="list-style-type: none"> <li>Code Enforcement Officer</li> </ul>	Critical Inspections – 2 personnel are needed per day as dictated by the head Code Enforcement Officer.
Town Clerk	<ul style="list-style-type: none"> <li>Town Clerk</li> </ul>	Records Management and Town communication to residents
Parks Department	<ul style="list-style-type: none"> <li>Park Manager</li> <li>Laborer</li> </ul>	As needed Town critical functions as provisional staff. Requirements may be different dependent on the season.
Golf Course	<ul style="list-style-type: none"> <li>Maintenance Supervisor</li> <li>Laborer</li> <li>Pro</li> </ul>	As needed for maintenance / Operation of the Golf Courses on a seasonal basis

## 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. Those staff will be approved by the Town of Fallsburg Supervisor and the Town Departments Direct Manager / Supervisor.
2. Approval and assignment of remote work will be provided by the Departments Direct Manager / Supervisor
3. Equipping staff for remote work, which may include:
  - a. Internet capable laptop – resources may be limited. Personal computers may be utilized if Town computers are not readily available.
  - b. Necessary peripherals
  - c. Access to VPN and/or secure network drives
  - d. Access to software and databases necessary to perform their duties
  - e. Telephone Access through the Town of Fallsburg Verizon One Talk system.
4. Scheduled Meetings through digital media platforms such as Zoom or Microsoft Teams.

### 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, the Town of Fallsburg 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. The Town of Fallsburg Supervisor and Town Department Direct Manager / Supervisor will approve staggered shift schedule
2. Approval and assignment of changed work hours will be at the discretion of the Town of Fallsburg Supervisor and Town Department Direct Manager / Supervisor. Hours may be changed within a 24-hour period in an emergency situation.
3. Staff shall remain in their designated work areas while on their shift. Work areas shall be cleaned before and after each work shift.
4. Staff members shall maintain social distancing and where a mask where social distancing is not able to be maintained.
5. Common areas shall be used, one individual at a time, and cleaned after each use by that employee
6. Staff who work in the field shall maintain their Town vehicle. Each vehicle shall be cleaned prior to another Town staff members use.

## 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. PPE which may be needed, based on individual department tasks, may include:

- Masks
- Face shields / Safety Glasses
- Gloves
- Disposable gowns and aprons
- Rubber boots
- Rubber aprons
- Sanitizer
- Tyvek suits
- Air Purifier

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.

Additional Means of securing personal work spaces may be provided such as plexiglass barriers or other workspace separation devices.

Protocols for providing PPE include the following:

1. Identification of need for PPE based upon job duties and work location, shall be supplied by the Department Manager / Supervisor
2. Procurement of PPE shall be done through the Town of Fallsburg Comptroller's office.
  - 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 which will prevent degradation
  - b. Employees must have immediate access to PPE in the event of an emergency
  - c. The supply of PPE must be monitored to ensure integrity and to track usage rates

## 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 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); or travel to an area that has been noted by current CDC/ public health guidance with a noted travel advisory:
  1. Potentially exposed employees or employees who have traveled, who **do not have symptoms** should remain at home or in a comparable setting and practice social distancing.
    - a. For the lesser of 14 days or other current CDC/public health guidance for the communicable disease in question.
    - b. Until a Negative tests result can be presented to the Town of Fallsburg in the case of a communicable disease.
    - c. If the test for the communicable disease is negative; the employee shall use sick time for the days they remained quarantined. Employees will not be permitted to work remotely during this period of time
    - d. Should an employee use more than 6 days of sick time, per calendar year, with negative test results, then that employee will forfeit the Sick Bonus for that half of the calendar year they exceeded the 6-day max. The use of this time does not reset at the halfway point of the year.
    - e. If the test for the communicable disease is positive; the employee shall be permitted to use up to 14 days of paid leave; per calendar year, that will not affect their accrued personal time.
    - f. The Department Manager / Supervisor shall be responsible to document the days off and report them to the Comptroller's office along with the test results.
    - g. The Department Manager / Supervisor shall be responsible to make sure the protocols listed above are followed. Should a staff member not follow these protocols, they will be subject to disciplinary procedures pursuant to NYS Civil Service Law.
  2. CDC guidelines for COVID-19 provide that **critical essential employees** (See Essential Positions/ Job Titles Table on Page 7) 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. The presentation of a negative test result as with the case of a communicable disease.
    - b. Additional precautions will include the requirement of the subject employee, as well as others working in their proximity, to wear appropriate PPE at all times to limit the potential of transmission.
    - c. In-person interactions with the subject employee will be limited as much as possible.
    - d. Work areas in which the subject employee is 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.
    - e. If at any time they exhibit symptoms, refer to item B below.

- f. The Department Manager / Supervisor shall be responsible to make sure the protocols listed above are followed. Should a staff member not follow these protocols, they will be subject to disciplinary procedures pursuant to NYS Civil Service Law.
- B. If an **employee exhibits symptoms** of the communicable disease that is the subject of the public health emergency, while at work:
  - 1. Employees 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. The Town of Fallsburg will require sick employees to provide a negative test result for the disease in question or healthcare provider's note to validate their illness, or return to work.
  - 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 and have provided a negative test result to their department Supervisor / Manager. If the disease in question is other than COVID-19, CDC and other public guidance shall be referenced.
  - 6. The Department Manager / Supervisor shall be responsible to make sure the protocols listed above are followed. Should a staff member not follow these protocols, they will be subject to disciplinary procedures pursuant to NYS Civil Service Law.
- C. If an employee 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 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.
  - 3. Identification of potential employee and contractor exposures will be conducted
    - a. If an employee is confirmed to have the disease in question, the Department Manager / 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.

- c. The Department Manager / Supervisor shall be responsible to make sure the protocols listed above are followed. Should a staff member not follow these protocols, they will be subject to disciplinary procedures pursuant to NYS Civil Service Law.

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 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. The department Manager / Supervisor shall be responsible to make sure the above protocols are followed.
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 Leave

Public health emergencies are extenuating and unanticipated circumstances in which the Town of Fallsburg is committed to reducing the burden on our employees. 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 the Town of Fallsburg will not be charged with leave time for positive testing. Those 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 per calendar year.

Further, the Town of Fallsburg 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, the Town of Fallsburg 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 the Town of Fallsburg, 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 the Town of Fallsburg, and as such are not provided with paid leave time by the Town of Fallsburg, 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 the Town of Fallsburg to support contact tracing within the organization and may be shared with local public health officials.

## 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 Fallsburg's essential operations.

If such a need arises, hotel rooms are expected to be the most viable option. If hotel rooms are for some reason deemed not practical or ideal, or if there are no hotel rooms available, the Town of Fallsburg will coordinate with the Sullivan County Commissioner of Public Safety or the Sullivan County Homeland Security and Emergency Management Office to help identify and arrange for these housing needs. The Supervisor of the Town of Fallsburg, Chief of Police or their designee shall oversee these protocols.