



COUNTY OF VENTURA

MEMORANDUM

HUMAN RESOURCES DIVISION

Date: March 5, 2020

To: Department/Agency Directors

From: Shawn Atin, Assistant County Executive Officer/Human Resources Director

Subject: Administrative Bulletin Pertaining to the Continuity of Operations – Pandemic Influenza and Labor Relations Guidelines

An outbreak of a pandemic disease may affect employee and employer worksite availability and may compromise the ability of agencies/departments to accomplish their missions. The County must have a plan to deal with the potential resulting workforce implications and to ensure the continuity of County operations. In November 2009, the Board of Supervisors approved the attached Administrative Bulletin pertaining to the "Continuity of Operations – Pandemic Influenza and Labor Relations Guidelines."

The Administrative Bulletin was created to provide guidance and address potential issues to assist managers and staff in dealing with a declared state of local emergency such as a COVID-19 outbreak. The Administrative Bulletin is the initial communication to managers and staff concerning questions that may surface concerning employee rights, entitlements, alternative work arrangements, benefits, leave, pay and hiring flexibility.

Please note that the changes to existing policies reflected in the Administrative Bulletin will go into effect only during a declared state of local emergency and if activated by the County Executive Officer. Measures outlined in the bulletin should be implemented only as conditions warrant and in coordination with the County Executive Officer.

I am providing the Administrative Bulletin along with the attached frequently asked questions (FAQs) sheet and general guidance information on telecommuting arrangements to agency/department heads in a proactive effort to assist you in developing your Continuity of Operations Plan for a potential COVID-19 outbreak in our community. Additional guidance will be developed and distributed to address specific issues that may arise during a COVID-19 outbreak.

If you have any questions, please contact your agency/department Labor Relations Analyst or me at (805) 654-2561.

Attachment – Administrative Bulletin

cc: Michael Powers, County Executive Officer
Mike Pettit, Assistant County Executive Officer
Ashley Bautista, Public Information Officer
HR/LR Department Representatives

November 10, 2009

Board of Supervisors
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93003

Subject: **Approval of the Administrative Bulletin Pertaining to the "Continuity of Operations – Pandemic Influenza and Labor Relations Guidelines".**

Recommendation(s):

It is recommended that your Board approve the attached Administrative Bulletin Pertaining to the "Continuity of Operations – Pandemic Influenza and Labor Relations Guidelines" (Attachment 1).

Discussion:

The potential for pandemic influenza outbreak or other similar emergencies may affect employee or employee worksite availability, and may compromise the ability of departments to accomplish their missions. The County must therefore plan to deal with the potential resulting human resource implications and ensure the continuity of County operations. As such, the Administrative Bulletin pertaining to the "Continuity of Operations – Pandemic Influenza and Labor Relations Guidelines" was created to provide guidance and address potential issues that will assist managers and staff in dealing with a declared state of local emergency such as a pandemic. The Administrative Bulletin is the initial communication to managers and staff with regard to questions that may surface about employee rights, entitlements, alternative work arrangements, benefits, leave and pay flexibilities, and hiring flexibilities. Subsequent communication will be developed to address specific issues, as required. It should be noted that changes to policies will only go into effect if the County Executive Officer formally declares that said policies are activated.

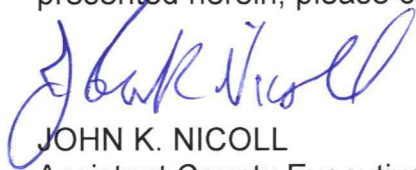
The Administrative Bulletin addresses the following:

- Flexibility of Personnel Leave Policies such as sick leave, Family sick Leave, Employee Emergency Assistance Fund, Designated Recipient Trust Fund, Vacation Leave/Annual Leave, etc. which are applicable to all employees;
- The potential effect that the pandemic may have on benefit programs such as VCERA, EAP, Health Benefit Program, etc.;
- Labor Relations provisions and continuity of pay and work due to facility closure and/or work reassignment;
- Flexibility in Hiring Policies in order to quickly back-fill critical, vacant positions due to employee absenteeism;
- Work Option Policies regarding the authorization to order employees to alternate work locations, and/or to perform work outside of their normal duties and/or to work alternate schedules;
- Employee and Labor Relations issues regarding employees who are ill at work, or are returning to work following an illness and/or who refuse to change work location or assignment ; and,
- Emergency Supplies availability.

The dissemination of this Administrative Bulletin is critical to proactively communicating to managers and staff, the expectations in the workplace and the policies that will be in place in the event of a pandemic or other emergency affecting employees.

It is recommended that your Board approve the attached Administrative Bulletin Pertaining to the "Continuity of Operations – Pandemic Influenza and Labor Relations Guidelines".

This letter has been reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel. If you have any questions regarding the information presented herein, please call me at 654-3196.



JOHN K. NICOLL
Assistant County Executive Officer
Director-Human Resources

c: Marty Robinson, County Executive Officer
Christine Cohen, Auditor-Controller
Noel Klebaum, County Counsel

Attachment 1 – Administrative Bulletin: Continuity of Operations – Pandemic Influenza and Labor Relations Guidelines

COUNTY OF VENTURA ADMINISTRATIVE BULLETIN

Issued: November 2009

SUBJECT: CONTINUITY OF OPERATIONS—PANDEMIC INFLUENZA AND LABOR RELATIONS GUIDELINES

Below are the policies governing employee relations for County operations during a declared state of local emergency due to a pandemic or other similar emergency affecting employee or employee worksite availability, as approved by the Board of Supervisors on November 10, 2009. This bulletin provides information on the programs and flexibilities available to managers and staff to address potential issues that may arise during times of crisis. When circumstances warrant, additional guidance to address specific issues relating to human resources matters will be developed as necessary. In the event of a declared state of local emergency, these policies may be activated and de-activated by the County Executive Officer, upon consultation with the Director of Emergency Services, Public Health Officer and Agency/Department Heads.

INTRODUCTION---WORKFORCE IMPLICATIONS OF PANDEMIC INFLUENZA

A potential pandemic influenza outbreak or other similar emergency may compromise the ability of departments to accomplish their missions. Therefore, the County must plan to deal with the potential human resource implications. If a pandemic influenza outbreak occurs, County employees may experience illness or may be required to care for sick family members. There may also be a need to limit potential exposure to otherwise healthy individuals. Employees and their supervisors will have questions about their rights, entitlements, alternative work arrangements, benefits, leave and pay flexibilities, and hiring flexibilities available during the turmoil created by the pandemic.

This bulletin provides guidance and information on the programs and flexibilities available to managers and staff to help deal with the effects of potential pandemic outbreak. When circumstances warrant, additional guidance will be developed to address specific issues that may arise during a pandemic influenza outbreak.

PERSONNEL LEAVE POLICIES

Purpose

This section specifies the Board of Supervisors' authorized leave flexibility in the event of a pandemic. These policies will only go into effect if the County Executive Officer formally declares that the policies are activated.

Applicability

These policies apply to all employees.

Provisions

When employees or immediate family members get sick, the County's policies regarding use of sick and vacation leave and compensatory time off will remain as is, except as modified below.

Sick Leave: County employees who become ill may use accrued sick leave. Accrued sick leave may also be used when necessary to care for an ill member of the employee's immediate family

Family Sick Leave: Family sick leave may be used to care for ill family members or to tend to matters surrounding the death of a family member. Any policy restricting use of this leave will be waived.

Employee Emergency Assistance Fund, Designated Recipient Trust Fund, Leave Donation Program:

Employees who experience severe financial hardships may be eligible for the Designated Recipient Trust Fund.

Family and Medical Leave Act: The Family and Medical Leave Act gives the employee the right to take up to 12 weeks of leave without pay for a serious health condition or to care for a spouse, son, daughter, or parent with a serious health condition. The employee may request to substitute any or all of the unpaid leave with available vacation and/or sick leave within the rules for using this leave time.

Vacation Leave/Annual Leave: The option of requesting the use of accrued vacation/annual leave during a pandemic health crisis is also available. This option could be used in the event of an absence longer than accrued sick leave hours. In addition to vacation/annual leave, the employee may request to use available compensatory time off. Vacation/annual leave may also be used to care for a healthy child in the event the child's school or care center is closed.

Compensatory Time Off: Employees may request to use accrued compensatory time off to care for an ill family member.

Sick Leave or Annual Leave Advance Program: While these pandemic policies are activated, if an employee becomes ill and does not have sufficient sick leave banks, vacation or annual leave banks to cover the period of illness, up to a maximum of 40 hours will be advanced to the employee and will be handled in a manner similar to the method as currently managed by the CEO/Human Resources/Benefits division used for newly hired employees.

EFFECT ON BENEFIT PROGRAMS

Retirement

VCERA, like all other entities, will suffer the effects of a reduced work force. Those employees planning retirement during a pandemic health crisis should expect and plan for slower retirement paper processing.

Employee Assistance Program (EAP)

During a pandemic health crisis deaths and stress related to extended care giving will significantly increase the demand for EAP services, while at the same time fewer service providers will be available. Departments should encourage employees to be diligent and patient in seeking the services they need.

Health Benefits Program

Health insurance benefits will continue during approved paid leaves of absence and will continue uninterrupted regardless of the severity of a health crisis. However, providers may experience a delay in processing payment and employees may experience a delay in referral processing and in provider availability.

Long Term Care Insurance Program

Long term care enrollees should contact the insurer if they have any questions about how a crisis may affect their coverage, eligibility for benefits, or payment of premiums.

Disability Insurance

Like all other entities, insurance companies will suffer the effects of a reduced work force in combination with a significant increase in demand for services. Employees should expect slower claims processing.

FACILITY CLOSURE—CONTINUITY OF PAY AND WORK

Purpose

This is to specify the labor relations provisions that will be adhered to in the event a facility is closed to ensure social distancing during a pandemic influenza health.

Authorization

The County Executive Officer or designee may order the closure of a County facility based on the advice of local, state, or federal public health officials. Upon rescission of the order, employees must return to their normal worksites.

Provisions

1. Employees who are affected by the closure of their regular worksites will either be assigned an alternate worksite, requested to work from home, or will be dismissed from work pending reoccupation of their worksite.
2. The County will continue to pay employees who are ordered to leave their regular worksites and perform work at an alternate location. During the closure period, the employees will continue to receive their regular rate of pay, along with any allowances, and standard payroll deductions will be taken.
3. Employees assigned to alternate worksites may be assigned to perform any work considered necessary or required to be performed during the closure period without regard to the job title or usual responsibilities. A department may not assign work to an

employee unless the department knows the employee has the necessary knowledge and skills to perform the assigned work. Failure or refusal to perform assigned work is a basis for disciplinary action. However, an employee's inability to perform assigned work because of a lack of knowledge or skills may not be a basis for taking disciplinary action.

4. For employees assigned to alternate worksites, including their homes, the County's telecommuting policies will apply including those related to child/elder care, use of equipment, etc.
5. In the event there is no meaningful work for an employee to accomplish at an open facility given his/her knowledge, skill, and abilities, the employee will be placed on paid or unpaid leave of absence depending upon the employee's leave banks. The employee must contact his/her supervisor, the next in line within the chain of command, or their agency Human Resources department, to determine where and when to report by 8:30 a.m. each day. Failure to do so will result in the employee being placed on leave without pay for that day and may result in disciplinary action.
6. Employees assigned to perform work at and for other departments will be paid by the employees' regular department.

HIRING FLEXIBILITY POLICIES

Purpose

In the event of a pandemic, departments may require supplemental staffing or hiring flexibility in order to quickly back-fill critical vacant positions due to employee absenteeism. The ability to quickly backfill positions of absent employees will ensure that critical services continue to be provided.

Provisions

Monitoring and Shifting Existing Staff: When these policies are activated by the Board of Supervisors or the County Executive Officer, the CEO Human Resources Department will monitor departmental needs and aid in the shifting of County staff to fill critical positions with current County employees wherever possible. Agencies and departments that anticipate the need for supplemental staff should notify CEO Human Resources as soon as possible. Agencies and departments requested to loan staff for critical positions are requested to cooperate to the fullest extent possible. Both the borrowing and loaning departments should keep track of any such temporary transfers, to allow for reconciliation and possible payroll shifts once the pandemic emergency subsides. Human Resources may, from time to time, during extreme conditions, request absenteeism reports from all employing agencies. Each agency is expected to provide the information requested within 24 hours.

Expedited Employment Processes: Extra Help, Fixed Term Appointments, Temporary Appointments, Core Staff, and Provisional Appointments may be made during this time to cover vacancies created by regular employee absences.

Retiree Hiring: During a pandemic, a department may hire a retired employee absent CEO Human Resource's approval. However, retroactive approval must be sought as soon as administratively possible. All other policies related to retired employee hiring remain in effect.

WORK OPTION POLICIES

Purpose

This section is to specify the County's policies regarding the authorization to order employees to alternate work locations and to perform work outside of their normal duties.

Provisions

Alternate Work Location: Included in departmental emergency plans should be a plan to accommodate employees whose job duties can contribute to County continuity of operations during a pandemic influenza event. Management must be committed to implementing remote work assignments as broadly as possible to take full advantage of the potential of telecommuting for this purpose and ensure that:

- Employees are familiar with the County's remote e-mail capability (<https://webmail.ventura.org>)
- Equipment, technology, and technical support are available and have been tested;
- Employees are knowledgeable about technology and communications methods;
- Supervisors are prepared to manage a distributed workgroup; and
- Employees are knowledgeable about Telephone conferencing.

During a pandemic event or other disaster the Auditor/Controller will make access to VCHRP available to employees.

Alternate Work Schedules and Duties: In the event of a pandemic, the County reserves the right to order all employees to alternate worksites, to work alternate schedules, and to perform work outside of the employees' classifications, if they have the necessary knowledge, skills and abilities to do so.

During a pandemic, an employee's request to work alternate schedules should be granted, where the operational requirements of the agency or department permit, in situations where time available to work is limited to periods when an alternative care provider is able to care for family members.

Alternative Work Arrangements: (AWA) include flexible and compressed work schedules and telecommuting arrangements. The County may implement AWA for its employees instead of traditional fixed work schedules (e.g., 8 hours per day, 40 hours per week). AWA can enable employees to have work schedules that help them balance work and family or personal responsibilities, and can provide for necessary social distancing. There are two categories of AWA: flexible work schedules (FWS) and compressed work schedules (CWS).

Flexible Work Schedules: Under normal circumstances, an FWS allows employees, with their supervisors' approval, to choose work arrival and departure times and days off within limits set by the department head. During a pandemic, granting an FWS may provide employees with greater flexibility in meeting biweekly work requirements while recovering from the flu or caring for a sick family member. Overtime will only be paid to the extent required by federal and state law.

Compressed Work Schedules: A CWS is a fixed work schedule that allows employees, with their supervisors' approval, to complete the basic 80-hour biweekly work requirement in less than 10 workdays. Under a compressed work schedule, arrival and departure times and scheduled days off do not vary from one pay period to the next. Like an FWS, a CWS allows maximum flexibility to manage work and family responsibilities in the event of a pandemic. Overtime will only be paid to the extent required by federal and state law.

EMPLOYEE AND LABOR RELATIONS

Employees Ill at Work: If an employee exhibits symptoms of flu like symptoms while at work, such as a fever combined with a cough, the employee should be encouraged to leave work for their own health and the welfare of those in contact with the employee. If the employee refuses to voluntarily leave work, the supervisor may order an employee exhibiting flu like symptoms to leave work and remain off work until the employee is fever-free for 24 hours. Employee Health may be consulted for any questions regarding the employee's condition, and may be requested to evaluate the employee. When a supervisor is unsure about an employee's medical condition, the Employee may be required to submit to evaluation by Employee Health before returning to work. However, evaluation by Employee Health is **not** a prerequisite for ordering an employee off of work, and an obviously ill employee should **not** be referred to Employee Health for evaluation. Where an employee is ordered to leave work under these circumstances, the ordering supervisor must document the employee's agency personnel file describing the facts and circumstances leading up to the order to leave work.

Employees Returning to Work Following an Illness: Under normal circumstances, employees off work ill for five days or more, may be requested to provide medical evidence of illness or medical clearance. However, during a pandemic, the healthcare delivery system may be overwhelmed, caring for acutely ill individuals. Appointments for medical clearance could be delayed for weeks. Therefore, when these policies are activated by the Board of Supervisors or the County Executive Officer, supervisors have the discretion to allow an employee to return to work without medical evidence or clearance. Employee Health may be consulted for any questions regarding an employee's medical clearance; however, evaluation by Employee Health is **not** a requirement or prerequisite to returning to work following an illness or absence.

Employee Refusal to Change Work Location or Assignment: Relocation of work assignments may become critical to allow the County to continue to provide services to the public. Refusal to comply with an order to relocate to an alternative work location, an alternative work assignment, any other emergency order, or to adjust work hours, may be treated as refusal to comply with any other directive, with discipline up to and including termination available, depending on the circumstances. In evaluating a response to refusal to relocate or a change of work assignment, the supervisor should consider all circumstances surrounding the refusal, including the employee's personal circumstances and ability comply with the directives.

EMERGENCY SUPPLIES

Each agency is expected to have trained its staff in the measures recommended by Public Health to minimize risk of exposure and spread of disease. Public Health recommends the availability of masks, surface sanitizers, and the ability to wash or cleanse the hands. Departments are expected to maintain at least one week's supply of needed materials. For departments that do not provide healthcare services to the public or employees, and that are not first responders, they can deploy County purchased emergency supplies once these policies are activated by the County Executive Officer.