

Public Employer Health Emergency Plan for Town of Newburgh

date of approved plan March 22, 2021

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 review of P.B.A., C.S.E.A., 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 The Town of Newburgh, 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: March 22, 2021

By: Gilbert Piaquadio

Signature: _____

Title: Town Supervisor

Record of Changes

Date of Change	Description of Change	Implemented by

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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 Newburgh. 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 Town Supervisor of the Town of Newburgh, 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 Town Supervisor.

Upon the determination of implementing this plan, all employees and contractors of the Town of Newburgh shall be notified in person, with details provided as possible and necessary, with additional information and updates provided on a regular basis. The Work Force will be notified of pertinent operational changes by way of Policy change publication. Other interested parties, such as vendors, will be notified by phone and/or email as necessary. The Town Supervisor or his designee of the Town of Newburgh will maintain communications with the public and constituents as needed throughout the implementation of this plan.

The Town Supervisor of The Town of Newburgh, 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 Town Supervisor of The Town of Newburgh, 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, Town of Newburgh 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 Newburgh

The Town of Newburgh 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 Newburgh have been identified as:

Essential Function	Description	Priority
Accountant		1
Audit & Data Entry Clerk		1
Principal Payroll Clerk		1
Animal/ Dog Control Officer		4
Animal Shelter Helper		4
Assessor Clerk		4

Real Property Data Collector		4
Custodial Workers		1
Administrative Asst. Bldg. Dept.		2
Assistant Building Inspector III/Fire Investigator		2
Building Inspector III		2
Clerk		2
Asst. Fire Inspector/ Fire Investigator		2
Code Compliance Supervisor/Fire Investigation		2
Engineer		3
Engineer Consultant		3
Principal Clerk		3
Water/Sewer/Filter Superintendent		2
Administrative Asst. Clerk		2
Reservoir Caretaker		2
Senior Water Maintenance Worker		2
Wastewater Maintenance Worker		2
Working Leader		2
Fleet Maintenance Leader		2
Automotive Mechanic		2

Senior Automotive Mechanic		1
Highway Superintendent		1
Account Clerk		1
Laborer		1
Heavy Equipment Operator		1
Motor Equipment Operator		1
Working Leader		4
Town Justices		4
Court Clerk		4
Clerk		2
Personnel Director		2
Clerk		1
Police Chief		1
Court Attendant		1
Dispatcher		1
Municipal Bingo Inspector		1
Parking Enforcement Officer		1
Police Lt.		1
Police Officer Police		1
Records Clerk		1
Police Sergeant		1
Secretary to Police Chief		1
Street Crossing Guard		4

Receiver of Taxes	4
Deputy Receiver of Taxes	4
Administrative Asst.	4
Commissioner of Parks and Recreation and Conservation	2
Assistant Recreation Director	4
Administrative Asst.	4
Chauffeur	4
Clerk	4
Laborer	4
Lifeguard	4
Recreation Aides	4
Recreation Coordinator	4
Recreation Leader	4
Town Supervisor	1
Deputy Supervisor	1
Town Board	2
Clerk to Supervisor	2
Clerk	2
Town Clerk	4
Deputy Town Clerk	4
Clerk	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.

The Town of Newburgh Supervisor and Town Board maintains the authority to designate during any given pandemic or crisis which departments or employees will be deemed essential.

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
2. Approval and assignment of remote work
3. Equipping staff for remote work, which may include:
 - 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

Note that phone lines may need to be forwarded to off-site staff

At the discretion of the Town Supervisor or his designee, secured line access to Town of Newburgh Data may be provided by use of Computers, iPads or other remote access devices. The Town of Newburgh Supervisor or his designee maintains the sole authority to determine which Town Departments and or Contractors and Consultants will serve as Essential during times of a Pandemic or Crisis.

Staggered Shifts

Implementing staggered shifts may be possible for personnel performing duties that 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 Newburgh 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

Each Department Head shall create and implement a staggered or alternate shift plan to be submitted to the Town Supervisor or his designee.

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
- Face shields
- Gloves
- Disposable gowns and aprons

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
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
 - 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 and contractors 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

The Town of Newburgh Deputy Supervisor and Safety Officer will monitor weekly all quantities of required P.P.E , sanitizer, thermometers and any other required protective gear. All stock piled supplies will be maintained in the Town Hall Vault. All requests for equipment must go through the Deputy Supervisor or Safety Officer. It shall be the responsibility of each Department Head to assure all employees within their Department is provided with equipment. All needed supplies will be purchased in compliance with the Town of Newburgh procurement guidelines

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):

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. This may be subject to change as per the most current C.D.C or Health Department Regulations.

1.
 - a. As possible, these employees will be permitted to work remotely during this period of time if they are not ill.
 - b. The Personnel Department must be notified and is responsible for insuring these protocols are followed.
 - 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 our constituency/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. The Town of Newburgh Supervisor or his designee shall be informed in these circumstances and who is responsible for ensuring these protocols are followed.

B. 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. The Town of Newburgh 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. The Town of Newburgh Supervisor or his designee must be informed in these circumstances and who is responsible for ensuring these protocols are followed.
- C. If an employee or contractor 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 or contractor is confirmed to have the disease in question, The Town of Newburgh Town 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.
 4. The Town of Newburgh Supervisor or his designee must be notified in these circumstances and who is responsible for ensuring these protocols are followed.

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. The Town Supervisor and his designee is responsible for directing personnel to clean common areas, and the frequency of such.
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 The Town of Newburgh 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 The Town of Newburgh 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, The Town of Newburgh 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 Newburgh 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 Newburgh, 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 Newburgh, and as such are not provided with paid leave time by The Town of Newburgh, 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, etc. This information may be used by The Town of Newburgh to support contact tracing within the organization and may be shared with local public health officials.

The Town of Newburgh Supervisor or his designee shall designate the department to detail the means and methods of tracking hours and locations, which may be paper-based or electronic logging, tracking via a smartphone app or other. Detail the terms and conditions of such when and how the information is used, and who is responsible for handling and managing the information.

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 Newburgh'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 Newburgh will coordinate with the Town of Newburgh Emergency Management Committee or the Orange County Department of Emergency Management to help identify and arrange for these housing needs. The Town of Newburgh Safety Officer is responsible for this coordinating this.