

CITY OF APPLE VALLEY  
RESOLUTION NO. 2020-35

A RESOLUTION CONCURRING WITH THE MAYOR'S DECLARATION OF A  
LOCAL EMERGENCY AND ENACTING TEMPORARY MEASURES TO ADDRESS A  
PEACE TIME EMERGENCY DUE TO THE COVID-19 HEALTH PANDEMIC

WHEREAS, on March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-01 declaring a Peace Time Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19; and

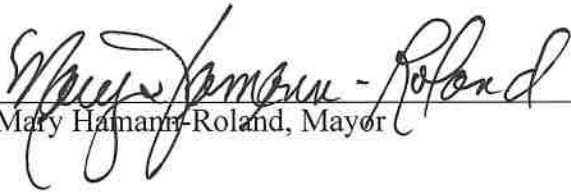
WHEREAS, in response, on March 15, 2020, Mayor Mary Hamann-Roland issued a Proclamation Declaring a Local Emergency in recognition of the community risk posed by COVID-19; and

WHEREAS, the Apple Valley City Council recognizes this risk and concurs with the proclamation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Apple Valley, Dakota County, Minnesota, as follows:

- 1) A Peace Time Emergency related to the COVID-19 Health Pandemic exists within the City of Apple Valley, and
- 2) Pursuant to Apple Valley Code of Ordinances Chapter 33 – Emergency Management, this proclaimed Peace Time Emergency situation invokes the City's Emergency Operations Plan and Continuity of Operations Plan and the portions of those plans necessary for the response to the situation are hereby activated, and
- 3) The attached Interim Policy: COVID-19 Program for Employees is hereby approved as an amendment to the City's Personnel Policy Manual and is in effect until May 14, 2020, and
- 4) The City Administrator, the Emergency Management Director, and their designees, are authorized to take other appropriate emergency actions directed or recommended by federal and state government or health organizations, or deemed necessary by City emergency management authorities, and to take those actions deemed necessary to protect the public health and safety, and
- 5) To the extent that normal state laws and City policies and procedures impede an efficient response or compliance with federal and state directives or recommendations, the City Administrator, Emergency Manager Director, and designees are hereby authorized to suspend compliance with those laws, policies and procedures as authorized by the Governor's Declarations and M.S. §12.32.

ADOPTED this 17th day of March, 2020.

  
Mary Hamann-Roland, Mayor

ATTEST:

  
Pamela J. Gackstetter, City Clerk



# City of Apple Valley Personnel Policy Manual

## Interim Policy: COVID-19 Program for Employees

In addition to city employees, this policy applies to firefighters.

### POLICY

In response to the community spread of the novel coronavirus, COVID-19, the city has declared a state of local emergency. The City of Apple Valley believes in the importance of a healthy workplace and wellness and wants to work together with employees to ensure that essential functions are operational, service can be provided, and employees are supported. In order to assist employees with health concerns and issues related to the current public health environment, this following COVID-19 policy will be in place effective March 17, 2020. Recognizing that due to changing situations, this policy may be modified as needed by the City Administrator or designee. The policy will be reviewed on May 14, 2020 and may be extended or modified by the City Council.

### Employee Who Is Advised to Self-Quarantine or Experiences Symptoms

If an employee who is not displaying symptoms is advised by their health care provider, or due to travel based on the Centers for Disease Control (CDC) [travel risk assessment](#), to self-quarantine at home, a supervisor may consider work from home for the employee. Work from home will be based on feasibility for the position, business need, and available technology. If the employee cannot work from home, the employee may use their available paid leave hours or take the time as unpaid leave. For a period less than a full work week, an exempt employee must use available paid leave hours. An employee participating in the annual leave program, who has insufficient paid leave hours available, may be granted an advance of annual leave up to the equivalent of their regularly scheduled hours for up to two work weeks.

An employee who is exposed to an individual who has contracted COVID-19 or who feels ill with symptoms associated with COVID-19, should stay home and inform their supervisor immediately. The employee may use available paid leave hours or take the time as unpaid leave. The employee should seek medical advice to determine next steps for their situation from their medical provider. For employees covered on the city's group health plan, the health insurer provides the following guidance for seeking care: <https://www.healthpartners.com/coronavirus/>.

### Paid Leave for Employee Who Contracts COVID-19 or Is Quarantined

An employee who 1) has contracted COVID-19; or 2) is displaying symptoms associated with COVID-19 and is quarantined or in isolation as the result of a medical professional's recommendation; or 3) is quarantined or in isolation as the result of a Minnesota Department of Health (MDH) commissioner directive, federal quarantine officer order, or other official government directive and cannot work from home, may receive paid COVID-19 leave for time not paid by any other benefit (e.g., workers compensation wage replacement, injury on duty benefit, short term disability). The benefit is the employee's regular base wage pay for regularly scheduled work hours for up to 14 consecutive calendar days unless otherwise determined by a medical professional.

Pay under this provision does not include overtime, supplemental pay, and/or other additional pay. For the purpose of this benefit, holidays will be counted as a regular scheduled workday and will be included in the 14 calendar day count. Employer benefit contribution and leave accrual, if applicable to an eligible employee, will continue during paid COVID-19 leave.

COVID-19 leave pay may be extended based on recommendation of the department head and approval of the City Administrator. No compounding, stacking, or pyramiding of pay will occur. For full-time employees, paid leave will be based on 40 hours per week. For regular part-time employees, paid leave will be based on the employee's regular scheduled work week hours. For casual employees, paid leave will be based on average hours worked over the four full work weeks preceding the leave.



## City of Apple Valley Personnel Policy Manual

An employee receiving pay under this provision may be required to provide medical certification of diagnosis, quarantine/isolation order, or other similar documentation. This requirement will be determined by the City Administrator or designee, depending on the availability of medical providers and the severity of the pandemic outbreak.

An employee must follow treatment recommendations of their health care provider, and the city may require that return-to-work information from a medical professional be forwarded to Human Resources before the employee returns to the workplace. This requirement will be determined by the City Administrator or designee, depending on the availability of medical providers and the severity of the pandemic outbreak.

If applicable, Family Medical Leave and/or Short Term Disability will be applied.

### **Shut Down of City Facility**

If the city is required to shut down any areas of city facilities resulting in a lack of work for employees, regular base wage pay will continue for employees assigned to that facility. Continued pay does not include overtime, supplemental pay, and/or other additional pay. For full-time employees, pay will be based on 40 hours per week. For regular part-time employees, paid leave will be based on the employee's regular scheduled work week hours. For casual employees, paid leave will be based on average hours worked over the four full work weeks preceding the leave. Continued pay may be pro-rated based on partial day and/or partial week closures.

Supervisors will make every reasonable attempt to find work for employees in order to keep them working productively. Employees may receive assignments to conduct work remotely, work at other facilities, and/or perform other functions to meet business needs. An employee who declines such assignment will not be eligible for continued pay under this provision and may use available paid leave hours or take the time as unpaid leave. For a period less than a full work week, an exempt employee must use available paid leave hours. Unless otherwise notified, employees should expect to be available for work, as the situation could change regularly.

The decision to send an employee home due to lack of work will be recommended by the department head and approved by the City Administrator or designee. The decision, including actual hours worked and when the employee was directed to leave, shall be documented in writing and provided to Human Resources.

### **Leave to Care for Others or Due to School Closures**

If an employee determines they need to be away from work to care for other individual(s) or because of school closures related to COVID-19, the employee should notify their supervisor as soon as possible and may use their available paid leave hours or take the time as unpaid leave. For a period less than a full work week, an exempt employee must use available paid leave hours. An employee participating in the annual leave program, who has insufficient paid leave hours available, may be granted an advance of annual leave up to the equivalent of their regularly scheduled hours for up to two work weeks.

Supervisors may be able to assign remote work from home if it meets the business need of the city and based on available technology. Remote work assignment requires approval of the department head and City Administrator. Remote work assignment will generally not be appropriate if the employee is needed to provide substantial care to other individual(s) at home.

### **Schedule Changes and Working Remotely or From Home**

Department heads will make arrangements to ensure critical/essential functions will continue and will also follow the Emergency Management Plan, Continuity of Operations Plan, and directives of the Emergency Management Director and City Administrator.



## City of Apple Valley Personnel Policy Manual

Remote and working from home is not appropriate for all positions, and no employee is guaranteed the opportunity to work from home. Based on business need, staff will be given assignments and may be required to have Virtual Private Network (VPN) access in order to work from home or another remote location when assigned by their supervisor. This may include staff who are subject to quarantine. Staff may be reassigned to perform other duties as needed.

Schedules, approved leave, and other situations may require changes or adjustments based on essential business needs.

Any work done remotely must meet business needs, follow city and department policies, and be approved in advance by the department head and the City Administrator or designee.

### **Employee Displaying Contagious Symptoms**

Any employee who is sick should stay home.

Employees should refrain from discussing a coworker's health condition due to data privacy laws. If an employee has concerns, they should speak privately with their supervisor.

A supervisor may not ask employees about medical diagnosis, but employees may choose to voluntarily share this information. If an employee is displaying symptoms of contagious disease, supervisors should speak privately with the employee.

A supervisor may require an employee to leave the workplace, as a safety consideration for the health of other employees and the public, if the employee displays symptoms of a contagious illness. Such decision shall be part of a consistent plan that treats all employees with such symptoms similarly. While supervisors should not make judgments about a medical diagnosis, they may rely on symptoms to make a determination to send an employee home. For example, the CDC recommends that employees who have symptoms of acute respiratory illness (e.g., cough or shortness of breath) stay home and not return to work until they are symptom free and free of fever (temperature above 100.4° F) for 24 hours without the use of fever reducing medications. Supervisors should consult with Human Resources staff before sending employees home for these reasons and must notify Human Resources immediately if any employee is sent home because of displaying contagious symptoms. An employee who is sent home for these reasons may use their available paid leave or take the time as unpaid leave. For a period less than a full work week, an exempt employee must use available paid leave hours. An employee participating in the annual leave program, who has insufficient paid leave hours available, may be granted an advance of annual leave up to the equivalent of their regularly scheduled hours for up to two work weeks.

### **Notifying Other Employees of a Confirmed Case of COVID-19**

As recommended by the CDC, if an employee is confirmed to have COVID-19, the city will inform fellow employees of their possible exposure to COVID-19 in the workplace, but protect privacy as required by state and federal law. The city will not identify by name an individual who has contracted the disease. Employees exposed to a co-worker with confirmed COVID-19 should refer to CDC guidance for [how to conduct a risk assessment](#) of their potential exposure. The city will work closely with medical health providers and rely on guidance from federal and local authorities about transmission risk and containment.

### **Workers' Compensation**

COVID-19 will be treated the same as other illness or injury. If an employee contracts COVID-19 from exposure at work, the supervisor must be notified and a First Report of Injury will be filed and submitted to the League of Minnesota Cities Insurance Trust (LMCIT), the city's insurer. Once a claim is submitted, LMCIT reviews the information to make a compensability determination. If the claim is accepted by LMCIT, Injury on Duty (IOD) benefits would apply pursuant to applicable collective bargaining agreements and the city's personnel policies.