

**CITY OF NEWPORT**  
**EMERGENCY ORDER NO. 2020-09**

**WHEREAS**, the Governor of the State of Oregon declared a state of emergency for the state on March 8, 2020, finding that COVID-19 created a threat to the public health and safety and constituted a statewide emergency; and

**WHEREAS**, the City of Newport staff began meeting in early March regarding planning for a response to the COVID-19 emergency in Newport; and

**WHEREAS**, on March 16, 2020, the City Council of the City of Newport ratified the temporary declaration of emergency made on March 13, 2020; and

**WHEREAS**, Newport staff took, and continue to take, actions in an effort to “flatten the curve” of the COVID-19 virus, and by this Order, document those actions that include:

I, Spencer R. Nebel, City Manager, hereby order:

April 10, 2020      Approved a temporary COVID-19 Body Temperature Screening Policy, as attached.



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Spencer R. Nebel, City Manager

Dated: April 10, 2020



# Temporary COVID-19 Body Temperature Screening

<b>POLICY NUMBER:</b> COVID-19.6	<b>EFFECTIVE DATE:</b> April 13, 2020
<b>REVISION DATE:</b>	<b>REVISION NUMBER:</b>
<b>CITY MANAGER APPROVAL:</b> <i>[Signature]</i>	<b>DATE:</b> <i>April 10, 2020</i>

## POLICY

This policy is intended to remain in effect only for the duration of the declared public health emergency related to COVID-19.

The CDC and state/local health authorities have acknowledged community spread of COVID-19 and issued attendant precautions. EEOC has re-issued guidance confirming specifically that the COVID-19 pandemic permits employers to measure employees' body temperatures before allowing them to enter the worksite.

The City of Newport is implementing daily temperature checks of all employees entering city owned facilities to ensure the health and safety of employees and the public.

Employees will have their temperature checked each day upon arriving to work or as soon as possible after the start of their work shift.

This policy applies to all visitors entering city owned facilities. This includes vendors, contractors, citizens, USPS, and cleaning staff.

## Definitions

The EEOC defines a direct threat as "a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. If an individual with a disability poses a direct threat despite reasonable accommodation, he or she is not protected by the nondiscrimination provisions of the ADA.

### Direct Threat under ADA

### DIRECT THREAT AND PANDEMIC INFLUENZA, COVID-19, AND OTHER PUBLIC HEALTH EMERGENCIES

Based on guidance of the CDC and public health authorities as of March 2020, the COVID-19 pandemic meets the direct threat standard. The CDC and public health

authorities have acknowledged community spread of COVID-19 in the United States and have issued precautions to slow the spread, such as significant restrictions on public gatherings. In addition, numerous state and local authorities have issued closure orders for businesses, entertainment and sport venues, and schools in order to avoid bringing people together in close quarters due to the risk of contagion. These facts manifestly support a finding that a significant risk of substantial harm would be posed by having someone with COVID-19, or symptoms of it, present in the workplace at the current time.

## **Process**

### Employees

- A touchless thermometer (forehead/temporal artery thermometer) will be used.
- Employees will be required to have their temperature taken upon arriving to work each day.
- Each facility will have a designated test facilitator or designee at an established location for the testing to occur.
- Employee temperature checks will be recorded daily. Only last name of the employee, the date, and the temperature reading will be recorded. If other COVID-19 symptoms are being experienced, that will also be documented. The recording (and any related symptoms) will be treated as a confidential employment medical record and will be maintained in Human Resources.
- Employees with a measured temperature of at least 100.4 degrees Fahrenheit will be considered to have a fever.
- If an employee has a measured temperature of at least 100.4 degrees Fahrenheit, they will immediately report this information to their supervisor and they will be required to leave work immediately.
- The employee should seek appropriate medical advice.

### Visitors

- A touchless thermometer (forehead/temporal artery thermometer) will be used.
- Individuals will be required to have their temperature taken before or immediately after entering a city owned facility.
- Individuals with a measured temperature of at least 100.4 degrees Fahrenheit will be considered to have a fever and will not be allowed in the facility. If they are already in the facility, they will be asked to leave immediately.
- The individual should seek appropriate medical advice.

## **Confidentiality**

All information gathered will be treated as confidential medical information under the Americans with Disabilities Act (ADA); specifically, the identity of workers exhibiting a fever or other COVID-19 symptoms and this information will only be shared with

members of management with a true need to know. Records of temperature readings will be maintained in Human Resources.

During a pandemic, the EEOC has determined that ADA-covered employers may ask employees if they are experiencing symptoms of the pandemic virus. For COVID-19, these include fever, chills, cough, shortness of breath and sore throat. The city will ask employees if they are experiencing any of these symptoms. The city will maintain all information about employee illness as a confidential medical record in compliance with the ADA. These records will be maintained in Human Resources.

COVID-19 is not a disability covered by the ADA but other respiratory conditions that last longer could be. So while asking about coronavirus symptoms is permitted, the city will not ask about symptoms of other conditions. Please direct these issues to Human Resources.