

**CITY OF NEWPORT
EMERGENCY ORDER NO. 2020-24**

**ENACTING AN EMPLOYEE TESTING AND
RETURN TO WORK POLICY AND PROCEDURES
FOR COVID-19 EXPOSURES AND POTENTIAL EXPOSURES
AND REPEALING EMERGENCY ORDER NO. 2020-23 IN ITS ENTIRETY**

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 declared an emergency on March 13, 2020, which was ratified by the City Council at its March 16, 2020 meeting; and

WHEREAS, the President of the United States signed a proclamation declaring a national emergency concerning COVID-19 on March 13, 2020; and

WHEREAS, local, state, and national public health agencies have instituted guidelines, recommendations, and actions to curb the spread of the disease in an attempt to “flatten the curve” of the disease’s progression in the United States. Many of those recommendations have been adopted by states and local governments across the country. In Oregon, the Governor has issued Executive Orders 20-03 through 20-20, and 20-22, 20-24, 20-25, 20-27, 20-28, and 20-30 to address COVID-19 closures and reopening of certain facilities, limiting public gatherings, higher education restrictions, and other needs and requirements related to the COVID-19 pandemic; and

WHEREAS, the Governor has directed Oregonians to “stay at home to stay healthy” through physical and social distancing guidelines and the elimination of non-essential travel; and

WHEREAS, the city has to be prepared in the event an employee is exposed to someone testing positive for COVID-19, or an employee tests positive for COVID-19 with guidelines for quarantining and subsequently returning to work.

I, Spencer R. Nebel, City Manager for the City of Newport, hereby order:

August 7, 2020 Approved a Temporary Return to Work Policy and Procedures for COVID-19 Exposures and Potential Exposures. A copy of the policy is included as Attachment A. This Emergency Order repeals, in its entirety, Emergency Order No. 2020-23.



Spencer R. Nebel, City Manager



TEMPORARY POLICY

EMPLOYEE TESTING AND RETURN-TO-WORK PROCEDURES FOR COVID-19 EXPOSURES AND POTENTIAL EXPOSURES

POLICY NUMBER: COVID-19.10	EFFECTIVE DATE: July 8, 2020
REVISION DATE: August 8, 2020	
	REVISION NUMBER: 1
CITY MANAGER APPROVAL:	DATE:

PURPOSE

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

DEFINITIONS

Asymptomatic – Producing or showing no symptoms.

Close Contact – Being within six (6) feet of another individual for over fifteen (15) minutes.

Confirmed Case – A positive test result.

Critical Infrastructure Worker – An employee working in the Information Technology, Water Treatment Plant, Wastewater Treatment Plant, Fire Department, Police Department, Airport, Water Distribution, Streets and Sewer, and Wastewater Collections Divisions of Public Works.

High Risk Individuals - Older adults, and people of any age who have underlying medical conditions.

Illness Onset - The date symptoms begin.

Isolate/Isolation - When someone who has tested positive for COVID-19 or has COVID-19 symptoms keeps themselves separate from all others, even those they live with, for the length of time directed by public health.

There are three separate times to isolate:

- If you think or know you have COVID-19 and have symptoms
- If you tested positive for COVID-19 but do not have symptoms
- Confirmed or presumptive cases as defined by public health

Potential Exposure - Being a household contact or having close contact with an individual who is confirmed or suspected to have COVID-19. The timeframe for having contact with an individual includes the period of 48 hours before the individual became symptomatic or tested positive.

Presumptive Case -A person without a positive COVID-19 RT-PCR, NAAT, or antigen test result, with an acute illness featuring at least two of the following:

- Shortness of breath, cough, fever, new loss of smell or taste, radiographic evidence of viral pneumonia; AND
- No more likely alternative diagnosis; AND
- Within the 14 days before illness onset, lived in the same household or congregate setting, had close contact with a confirmed case, or is identified as having been exposed in an outbreak; OR
- A COVID-19-specific ICD-10 code listed as a primary or contributing cause of death on a death certificate.

If a presumptive case tests positive for COVID-19 by an RT-PCR, NAAT, or antigen test, the case's status is updated to confirmed. If a presumptive case tests negative for COVID-19 by an RT-PCR, NAAT, or antigen test, the case status remains presumptive.

Public Health – Lincoln County Public Health Department

Quarantine - When someone who has been in close contact with someone who has COVID-19 (someone with a positive COVID-19 test or with COVID-19 symptoms) stays at home or shelters in place for 14 days from their last contact with the virus to prevent spreading the virus.

Recovery - Resolution of fever without the use of fever-reducing medications with progressive improvement or resolution of other symptoms. Ideally, isolation should be maintained for this full period to the extent that it is practicable under rapidly changing circumstances.

Social Distancing – Remaining at least six (6) feet away from another individual.

Suspect Case - New onset of symptoms consistent with COVID-19, including:

- Fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea AND
- No more likely alternative diagnosis

Note: This includes people who had close contact with a presumptive case and have an acute illness featuring at least two of the following: shortness of breath, cough, fever, new loss of smell or taste, radiographic evidence of viral pneumonia, OR

A test result that, in combination with their symptoms, does not meet the definition of a confirmed or presumptive case, as defined by public health.

Symptoms - Symptoms may appear within 2-14 days after exposure to the virus and can include:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

This list does not include all possible symptoms.

POLICY

The City of Newport is committed to providing its employees with a safe and healthy work environment. To accomplish this goal, the city must diligently undertake efforts to promote health and safety, and define when it is safe to continue working or return to work after becoming ill with COVID-19 or being in close contact with someone who has tested positive for COVID-19.

The following policy applies to all employees and volunteers of the City of Newport.

This policy works in conjunction with the City of Newport Emergency Leave Policy COVID-19.4, Emergency Order 2020-08.

INTERNAL CONTACT PROCEDURES

In any of the below instances, the employee is to immediately notify their supervisor. The supervisor will immediately notify the Fire Chief or designee. The Fire Chief or designee will notify Human Resources.

1. Employee is sick with COVID-19 related symptoms
2. Employee is observed displaying symptoms of COVID-19
3. Employee has been notified by public health to be a close contact
4. Employee tests positive for COVID-19

The Fire Chief, or designee, will contact the employee to gather sufficient information to understand the situation in order to make the appropriate determinations. The Fire Chief, or designee, will contact and coordinate with public health on next steps, and to determine if testing is necessary (#1-3). The Fire Chief, or designee, will keep the City Manager, Human Resources, and department management informed of the status.

Information on persons who had contact with the employee two days prior to that employee's symptoms should be compiled by the Fire Chief or designee. The Fire Chief or designee will coordinate between public health and the affected employees. Further direction will be provided by the Fire Chief or designee or public health.

SECTION ONE – EXPOSURES AND POTENTIAL EXPOSURES

A. ALL EMPLOYEES AND VOLUNTEERS

Employee Develops Symptoms or Becomes Sick While at Work

- The employee should be sent home immediately.
- Surfaces in their workspace should be immediately cleaned and disinfected.
- The employee may return to work after 24 hours of being symptom free.

Please Note: The only exception will be employees working at the Water Treatment Plant and the Wastewater Treatment Plant under certain criteria and authorizations. The decision to allow employees to remain at work will be made by the City Manager in conjunction with operational needs, employee safety, and public health guidelines.

B. NON-CRITICAL INFRASTRUCTURE WORKERS

Employee is a Confirmed or Presumptive COVID-19 Case

1. Isolate/Quarantine Confirmed Employees

The infected employee should not return to work until the criteria below is met, in consultation with healthcare providers. Based on information from the CDC, employees can return to work after:

- 24 Hours with no fever without the use of medications, **and**
- Symptoms (see definitions above) have improved, **and**
- Ten days since symptoms first appeared or positive test was taken, or
- As directed by public health

2. Quarantine Employees Working Near an Infected Co-Worker

Ask infected employees to identify all individuals who worked in close proximity (within six feet) for a prolonged period of time (fifteen minutes or more depending upon particular circumstances, such as how close the employees, contractors, volunteers, or agents associated with the city worked and whether they shared tools or other items) during the 48-hour period before the onset of symptoms or positive test was taken.

Send all employees home who worked closely with the infected employee for 14 days to ensure the infection does not spread. While quarantined, those employees should self-monitor for symptoms, avoid contact with high-risk individuals, and seek medical attention if symptoms develop.

Please Note: The CDC has developed alternative guidelines for critical infrastructure workers. If an employee is a critical infrastructure employee and is asymptomatic, and has been directly exposed to a person with a confirmed case of COVID-19, they may continue to work if certain guidelines are met (See below for Critical Infrastructure Employee Guidelines).

Asymptomatic employees may be asked to work remotely while they isolate at home if job functions allow them to do so.

3. Clean And Disinfect the Workplace As Directed by the Fire Chief or Designee
After a confirmed COVID-19 case in the workplace, follow the CDC guidelines for cleaning and disinfecting the workplace. Staff, or a third-party sanitation/custodial contractor, should clean and disinfect all areas (e.g., offices, bathrooms, and common areas) used by the ill person, focusing on frequently touched surfaces. This should be coordinated with the employee responsible for Emergency Management for the City of Newport.

If using cleaners, other than household cleaners with more frequency than an employee would use at home, ensure that employees are trained on the hazards of the cleaning chemicals used in the workplace, and maintain a written program in accordance with OSHA's Hazard Communication standard. Download the manufacturer's Safety Data Sheet (SDS) and share that information with employees as needed, and make sure the cleaners used are on the list of workplace chemicals used as part of a Hazard Communication Program located in the City's Safety Manual.

4. Notify Employees
Following a confirmed COVID-19 case, and as recommended by the CDC, City Administration will notify all employees, at the location or the area where the infected employee works, of the situation without revealing any confidential medical information such as the name of the employee, status of the employee's case (are they hospitalized; on a ventilator; recovering at home, etc.) unless the employee has signed an authorization to disclose his or her medical status. City Administration will inform employees of the actions taken, including requiring employees who worked closely to the infected worker to go home.

City Administration will inform employees about the sanitizing and cleaning efforts the city has undertaken, and remind them to seek medical attention if they become symptomatic.

Employees will be notified of a confirmed case and potential exposure per OSHA regulations and employer requirements.

C. CRITICAL INFRASTRUCTURE WORKERS

Employee Has Potential Exposure to COVID-19 and Is Asymptomatic

To ensure continuity of operations of essential functions, the CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic, and additional precautions are implemented to protect them, co-workers, and the community.

Critical infrastructure workers who have been exposed, but remain asymptomatic, should adhere to the following procedures prior to, and during their work shift, or they will be removed from the workplace:

- **Pre-Screen:** The city will take the employee's temperature and assess symptoms prior to the employee starting work. Ideally, temperature checks should happen **before** the individual enters the facility.
- **Regular self-monitoring throughout the day:** As long as the employee does not have a temperature of $\geq 100.4^{\circ}\text{F}$, or has developed other symptoms, they should self-monitor under the supervision of the supervisor.
- **Wear a face covering:** The employee is required to wear a face covering at all times while in the workplace. This is especially critical for a period of 14 days after the last exposure. The city will issue a face covering, disposable mask, or can approve employees' supplied cloth face coverings in the event of shortages.
- **Social distance:** The employee should maintain a six-foot distance from other people, and practice social distancing as work duties permit.
- **Disinfect and clean workspaces:** Routinely, clean and disinfect all areas such as bathrooms, common areas, shared electronic equipment. It will be the supervisor's responsibility to ensure this occurs.
- **When not at work,** employees should comply with guidelines that have been provided by the Lincoln County Public Health Department, both verbally, and in writing.

Please note: In cases where a face covering presents a safety risk, the employee is required to stay six feet away from others. If that is not possible, the employee is not permitted to perform the task.

Self-monitoring consists of measuring temperature twice daily and evaluating daily for the any of following signs:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

If any of these signs or symptoms develop, the employee should notify their supervisor, and not come to work. The employee will need to quarantine for the entire 14-day quarantine period.

If symptoms develop at work, employees must withdraw from work activities immediately, don a facemask (if not already wearing), and notify their supervisor prior to leaving work. They will need to quarantine for the entire 14-day quarantine period.

Please Note: Employees working at the Water Treatment Plant and the Wastewater Treatment Plant may continue to work under certain criteria and authorizations. The decision to allow employees to remain at work will be made by the City Manager in conjunction with operational needs, employee safety, and public health guidelines.

Employee Has Tested Positive for COVID-19 but Does **Not** Have Symptoms and Does **Not** Develop Symptoms

If an employee tests positive for COVID-19, but does not have symptoms or does not develop symptoms, they may be allowed to work under certain criteria.

Criteria follows:

- Employee will consistently monitor their temperature and symptoms daily in accordance with city policy
- If an employee develops a fever or any other symptoms while at home or at work, they will notify their supervisor immediately, who will then notify city administration.
- Employee will wear a mask at all times when at work, unless doing so creates a safety risk as outlined in city policy.
- When not at work, employees should comply with guidelines that have been provided by the Lincoln County Public Health Department, both verbally, and in writing.

Please Note: Employees working at the Water Treatment Plant and the Wastewater Treatment Plant may continue to work under certain criteria and authorizations. The decision to allow employees to remain at work will be made by the City Manager in conjunction with operational needs, employee safety, and public health guidelines.

Employee Has Tested Positive or is Presumptive Positive for COVID-19 **AND** Has COVID-19 Symptoms

If an employee tests positive or presumptive positive and has symptoms, they must stay home until they meet all of the below stated return-to-work requirements (See Section Three Return-to-Work Requirements).

D. Fire and Law Enforcement Employees

Employee Has Potential Exposure to COVID-19 While Wearing PPE and Is Asymptomatic (also pertains to pool staff *only* in life saving situations)

If an employee is exposed to a confirmed or probable case of COVID-19 and is wearing all appropriate PPE, they may be allowed to remain in the workplace as long as they diligently monitor themselves for symptoms.

Self-monitoring consists of measuring temperature twice daily and evaluating daily for the any of following signs:

- Measured temperature $\geq 100.4^{\circ}\text{F}$ or subjective fever (a fever that someone feels, as opposed to something objectively measured with a thermometer)
- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

If any of these signs or symptoms develop, the employee should not come to work and should notify their supervisor. The employee will be required to quarantine for the entire quarantine period.

If symptoms develop at work, the employee must stop work activities immediately, don a facemask (if not already wearing one), and notify their supervisor prior to leaving work, and then leave work. The employee is required to quarantine for the entire quarantine period.

High Risk Exposures While on Duty and Wearing Appropriate PPE, and are Asymptomatic

If an employee has had contact with an individual considered a high-risk exposure, the employee may be allowed to remain in the workplace as long as they diligently monitor themselves for symptoms as noted above.

High Risk Exposures include the following:

- Contact that included aerosol-generating procedures without wearing all required elements of full PPE (respirator, eye protection, gown, and gloves).
- Contact that did not include aerosol-generating procedures without a regular facemask or respirator and eye protection (goggles or face shield), even if individual was masked.
- Contact that included aerosol-generating procedures, such as high flow nasal cannula (a device used to deliver supplemental oxygen or increased airflow to a patient or person in need of respiratory help), with a regular facemask or

respirator and eye protection (goggles or face shield), but individual was not masked.

Self-monitoring consists of measuring temperature twice daily and evaluating daily for the any of following signs:

- Measured temperature $\geq 100.4^{\circ}\text{F}$ or subjective fever
- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

If any of these signs or symptoms develop, the employee should not come to work and should notify their supervisor. They will be required to quarantine for the entire quarantine period.

If symptoms develop at work, the employee must withdraw from work activities immediately, don a facemask (if not already wearing one), and notify their supervisor prior to leaving work, then leave work. They will be required to quarantine for the entire quarantine period.

Potential Exposure to COVID-19 While Off-Duty, And Not Wearing Appropriate PPE, and are Asymptomatic

If an employee is exposed to a confirmed or probable case of COVID-19 and is off-duty and not wearing all appropriate PPE, they may **not** be allowed to work for 14 days since the last exposure.

SECTION TWO – COVID-19 TESTING (ALL EMPLOYEES AND VOLUNTEERS)

The U.S. Equal Employment Opportunity Commission (“EEOC”) issued guidance to employers on April 23, 2020 stating the following:

Employers are allowed to test employees for COVID-19 before they enter the workplace. The Americans with Disabilities Act (“ADA”) requires any mandatory medical tests of employees be “job-related and consistent with business necessity” and that “an individual with the virus will pose a direct threat to the health of others. Therefore, an employer may choose to administer COVID-19 testing to employees before they enter the workplace to determine if they have the virus.

Testing will be conducted in accordance with Health Department Guidance. Testing approaches may include the following and is a condition of continued employment:

- Initial testing of all workers prior to entering the workplace
- Periodic testing of workers at regular intervals, and/or
- Targeted testing of new workers or those returning to work from a prolonged absence

In all cases where an employee has had contact with an employee who tests positive, or has symptoms, and are informed by the city they need to go for testing, testing is required and is a condition of continued employment. If the employee does not get tested, they will be required to stay at home on a leave of absence for 14 days from the last date they interacted with the infected employee. Employees will be allowed to apply any available accrued paid time to the absence. Emergency Paid Sick Leave (EPSL) may also be available through 12/31/20. Contact Human Resources for details and eligibility. See Emergency Leave Policy COVID-19.4, Emergency Order 2020-08.

Before the employee can return to work, they have to provide written certification to HR via a City of Newport questionnaire certifying they have not had any of the coronavirus infection signs, and be prepared to have a temperature check upon their return to work. These requirements apply to all employees, including critical infrastructure workers, and volunteers.

The employees medical plan will be billed for COVID testing and treatment. Coverage through the city sponsored medical plan for COVID-19 testing and treatment has been extended through the end of 2020.

Antibody testing: While antibody testing may be covered, it typically requires medical necessity and includes other limitations. The medical plan covers one antibody test per year, at no cost to the employee, if it's ordered by their attending provider as part of appropriate medical care. Tests must be performed at a CLIA certified lab or the test must have FDA Emergency Use Authorization.

For those employees not covered by the City medical plan, and those that are covered, if any testing required by the City is not covered under the employees medical plan, the city will pay for all costs.

SECTION THREE - RETURN TO WORK REQUIREMENTS (ALL EMPLOYEES AND VOLUNTEERS)

Employee Has Had Close Contact with an Individual with COVID-19 but Has No Symptoms

Employees who have had close contact with someone with COVID-19 will be required to stay home for 14 days after exposure based on the time it takes to develop illness.

Employee Tested Positive for COVID-19 but Has No Symptoms

If the employee continues to have no symptoms, they can return to work after ten days have passed since they were tested.

Employee Tested Positive or is Determined to be a Presumptive Positive or Probable Case by Public Health Officials for COVID-19 and Has Symptoms

Sick employees should not return to work until the criteria below is met, in consultation with healthcare providers. Based on information from the CDC, employees can return to work after:

- 24 Hours with no fever without the use of medications, **and**
- Symptoms (see definitions above) have improved, **and**
- Ten days since symptoms first appeared or positive test was taken

Individuals with COVID-19 can have a wide range of symptoms, from mild symptoms to severe illness. If you have any questions about this policy, please see your supervisor or Human Resources.

This policy may change based on guidance from public health authorities.