



TEMPORARY PERSONNEL POLICY REGARDING EMPLOYEE LEAVE AND TELEWORK

(revised effective 5/19/2020)

Policy

In response to the pandemic coronavirus disease 2019 (COVID-19), the Town of Marana will temporarily remove and add some restrictions upon the use of employee leave and leave donation in certain circumstances and clarify the imposed leave policy. This policy is designed to proactively promote responsible citizenship by ensuring that symptomatic employees and potentially exposed employees stay home and to encourage social distancing, when possible, and to accommodate the impact of school and childcare closures while ensuring that Town operations continue.

Section 1 Duration of Temporary Policy

This temporary policy shall remain in force and effect for as long as the Town Manager deems it appropriate, based upon information provided by public health officials regarding the duration of the pandemic COVID-19 outbreak.

Section 2 Coordination with Personnel Policies and Procedures

- A. To the extent that this temporary policy conflicts with the provisions of the Town of Marana Personnel Policies and Procedures, the provisions of this temporary policy shall govern during the time that this temporary policy is in force and effect. When this temporary policy is withdrawn by the Town Manager, the applicable provisions of the Personnel Policies and Procedures shall once again govern employee leaves.
- B. All provisions of the Personnel Policies and Procedures that are not in conflict with this temporary policy shall remain in full force and effect throughout the duration of this temporary policy.

Section 3 Use of Leave during a Public Health Emergency

- A. Employees are expected to not report to work in any of the following circumstances:

1. If the employee or someone the employee has had contact with is exhibiting:
 - a. One of the following symptoms:
 1. Cough; or
 2. Shortness of breath or difficulty breathing.
 - b. At least two of the following symptoms:
 1. Fever greater than 100.4 Fahrenheit;
 2. Chills;
 3. Repeated shaking with chills;
 4. Muscle pain;
 5. Headache;
 6. Sore throat; or
 7. New loss of taste or smell.
 2. If the employee has been exposed to someone infected with COVID-19 or there is a potential exposure to someone infected with COVID-19 in the workplace as determined by Human Resources Department.
 3. If an employee or someone the employee has had contact with has returned from travel to a country with a Centers for Disease Control and Prevention (CDC) Level-3 Travel Health Notice, a state with a CDC Domestic Travel Advisory, and/or an area identified as having widespread community transmission.
- B. If the employee does not report to work for the reasons listed in Section 3(A) above, the employee shall be on imposed leave and not return to work until directed to do so by the Human Resources Department. The determination of when an employee can return to work will be based on the most recent guidance from the CDC, local health authorities, and/or medical professionals.
- C. The Equal Employment Opportunity Commission (EEOC) has determined that the COVID-19 pandemic meets the “direct threat” standard under the Americans with Disability Act (ADA). Employees shall disclose details of travel, reasons for absence, symptoms of illness, and test results to determine if they may have been exposed to COVID-19 or have COVID-19. Employees shall submit to COVID-19 testing as directed by the Human Resources Department. Medical information obtained from an employee and medical records will be kept confidential according to the ADA’s requirements.
- D. To ensure the safety of both employees and the public, when a Department Head or supervisor is aware of or observes an employee exhibiting ongoing COVID-19 symptoms, the Department Head or supervisor, in consultation with the Human Resources director or designee, may place the employee on imposed leave.

- E. If an employee is placed on imposed leave, and is not ill or experiencing COVID-19 symptoms, the employee may request approval to telework while on imposed leave.
- F. If the employee is not approved for telework, and the employee has accrued MTO leave or sick leave balances, the employee may use leave hours for the duration of the imposed leave, or the employee may opt to go on administrative leave without pay. If an employee opts to go on administrative leave without pay rather than using accrued MTO or sick leave balances, the provisions of Section 8 of this temporary policy shall apply.
- G. Once an employee exhausts his or her MTO and sick leave balances, the employee may request to be advanced up to 80 hours of MTO from the next calendar year's allocation. The employee may use vacation leave or compensatory time for additional absences in accordance with this temporary policy. Employees who have exhausted all leave, or who have exhausted MTO and sick leave but have opted not to use vacation or compensatory leave, will be placed on Town-assigned administrative leave without pay.
- H. An employee's failure to comply with this policy or failure to leave work when directed may result in disciplinary action up to and including termination of employment.
- I. Any leave used pursuant to this policy is in addition to the leave provided by the Temporary Personnel Policy – Families First Coronavirus Response Act, which provides up to 80 hours of "Emergency Paid Sick Leave" and up to 12 weeks of paid, protected leave for "Public Health Emergency FMLA Leave." The governing policy regarding these leaves can be found in the Temporary Personnel Policy – Families First Coronavirus Response Act originally provided to employees on March 31, 2020 and revised on May 8, 2020.

Section 4 Vacation Leave

- A. Eligible employees shall be permitted to use vacation leave as the leave is accrued and shall not be required to wait until they have completed 180 days of employment as mandated by Section 4-1-5(A) of the Personnel Policies and Procedures, provided that the vacation leave is being used in lieu of MTO leave or sick leave. Eligible employees shall be able to use vacation leave time accrued in the same pay period as it is earned.
- B. Employees must have exhausted all accrued MTO leave and sick leave to be eligible to use vacation leave pursuant to this policy.
- C. Employees requesting vacation leave pursuant to this policy must indicate on the employee leave request that the vacation leave is being taken in lieu of MTO leave or sick leave.
- D. Depending on the phase of the Return-to-Work process identified by the Town Manager's Memorandum entitled "Return to work phases" dated May 5, 2020, requests for vacation leave will be addressed as follows:

1. During Phase 1, due to Town needs and staffing requirements, vacation leave requests in excess of one day will be denied unless the vacation leave is used for the purposes set forth in Section 3 of this Temporary Policy, FMLA qualifying reasons, personal emergency, or significant family events.
2. During Phase 2, vacation leave requests will require Department Head approval and may be denied due to Town needs and staffing requirements.
3. During Phase 3, vacation leave requests will be addressed as set forth in the Town of Marana Personnel Policies.

Section 5 Sick Leave

In addition to the reasons listed in Section 4-2-3 of the Personnel Policies and Procedures, eligible employees shall be permitted to use sick leave for imposed leave due to potential exposure or return from travel to one of the countries with a CDC Level-3 Travel Health Notice, a state with a CDC Domestic Travel Advisory, and/or an area identified as having widespread community transmission.

Section 6 Managed Time Off (MTO) Leave

- A. In addition to the reasons listed in Section 4-3-6(A) of the Personnel Policies and Procedures, eligible employees shall be permitted to use unplanned MTO for more than two days for imposed leave due to potential exposure or return from travel to one of the countries identified with a CDC Level-3 Travel Health Notice, CDC Domestic Travel Advisory, and/or an area identified as having widespread community transmission. More than one day of MTO time can be used in conjunction with vacation and compensatory time for this purpose.
- B. Depending on the phase of the Return-to-Work process identified by the Town Manager's Memorandum entitled "Return to work phases" dated May 5, 2020, requests for MTO leave in excess of one day will be addressed as follows:
 1. During Phase 1, Section 4-3-5(A) of the Town of Marana Personnel Policies and Procedures is temporarily revised to provide that employees may request to use planned MTO leave for only one day at a time, rather than for two consecutive days, when the planned leave is not for the purposes listed in Section 4-3-5(B). Eligible employees may request to use planned MTO leave for more than one day for any of the reasons listed in Section 4-3-5(B). Planned MTO leave requests shall be submitted as far in advance as possible to the employee's supervisor. Requests will be reviewed based on a number of factors, including Town needs and staffing requirements.
 2. During Phases 2 and 3, MTO requests will be addressed as set forth in the Town of Marana Personnel Policies.

Section 7 Leave Donation

Eligible employees shall be permitted to receive leave contributions from other employees for personal illness or illness of a family member that does not meet the definition of “serious health condition” under Section 4-7-2(F) of the Personnel Policies and Procedures and for imposed leave.

Section 8 Administrative Leave without Pay

Eligible employees will not be required to use all paid leave balances concurrently with approved administrative leave before leave without pay is used. If an employee opts to use leave without pay, the employee will be required to use some form of paid leave to pay for voluntary and mandatory deductions from the employee’s paycheck. If all leave balances have been exhausted, the employee must pay for benefits as outlined in Section 4-8-6 of the Personnel Policies and Procedures.

Section 9 FMLA

The Human Resources Department must be notified when an employee is absent for more than three days so that it can be determined if the employee has a serious health condition that falls under the Family and Medical Leave Act (FMLA). FMLA is not automatic for the pandemic influenza or COVID-19 virus. As defined under the FMLA, a “serious health condition” requires inpatient care or a period of incapacity for more than three consecutive calendar days and any subsequent treatment. This includes care for eligible family members. The Human Resources Department is the only Town department authorized to render a decision on a serious health condition. Decisions will be made on a case-by-case basis. If a serious health condition does not exist, then further verification may be waived. If it is determined that the employee has a serious health condition, FMLA leave may apply and the requirement for requesting a doctor’s certificate cannot be waived. In all cases involving more than three days of absence, the department must continue to notify Human Resources staff following normal procedures.

Section 10 Non-Discrimination

When implementing this policy, the Town of Marana will not discriminate on the basis of race, color, religion, national origin, age, sex, disability, veteran’s status, sexual orientation, or results of a genetic test received by the Town, when applicable.

Section 11 Privacy

Privacy rules apply to information regarding the employee and family members to include the medical condition of the employee and/or family member. The Americans with Disabilities Act (ADA), FMLA and the Health Insurance Portability and Accountability Act (HIPAA) laws protect medical information from being shared

without the employee's express and written consent. Employees should contact the Human Resources Department with questions regarding this and other leave policies.

Section 12 Telework

- A. Telework is defined as a work arrangement in which an employee completes work at a site other than the employee's normal work location.
- B. The Town Manager generally has the authority to establish alternative and flexible work schedules, pursuant to Town of Marana Personnel Policies and Procedures Section 5-1-2, and has established this telework policy for Town employees as a result of the COVID-19 pandemic. The Town Manager has the administrative authority to adjust the telework policy as necessary. Telework is allowed at the discretion of the Town Manager and may be revoked at any time.
- C. Telework will be approved based on Return-to-Work in three phases.
 - 1. Phase 1 (Limited opening). Department Heads may approve telework for employees, but must ensure that all front-facing counters are operational while assuring coverage for breaks and lunches. In addition, Department Heads will identify one or more office staff members in each work area who will return to worksite while considering child/dependent care issues or personal or household member's health concerns. Telework may be approved if the employee is placed on imposed leave for the reasons listed in Section 3(A) above.
 - 2. Phase 2 (Moderate opening). Department Heads and Supervisors will identify additional office-based staff members who are able to return to work full-time or intermittently through the work week while considering child/dependent care issues or personal or household member's health concerns. Telework may be approved if the employee is placed on imposed leave for the reasons listed in Section 3(A) above.
 - 3. Phase 3 (Full opening). Normal staffing will resume. Telework may be approved if the employee is placed on imposed leave for the reasons listed in Section 3(A) above.
- D. All employees that are approved for telework are required to return to the worksite when directed by their Department Head or supervisor, on a temporary, intermittent, or permanent basis, as directed.
- E. Exempt employees approved for telework or combining time at the worksite and teleworking are expected to work the hours necessary to satisfactorily perform their jobs, and may be required to work a specified schedule set by their supervisor. Non-exempt employees approved for telework or combining time at the worksite and teleworking shall work no more than 40 hours in a work week, unless overtime has been approved by a supervisor in advance.
- F. The determination of whether a an employee is eligible for telework is not subject to review under the personnel action review procedures set forth in Chapter 5 of

the Personnel Policies and Procedures or within any other Town policy or procedure.

- G. The Town Manager may establish an Administrative Directive to implement additional policies and procedures related to telework.

Section 13 Maximum Accrued Vacation Hours Permitted

Section 4-1-4(C) of the Town of Marana Personnel Policies and Procedures is temporarily revised to provide that the Town Manager may approve an exception to exceeding the maximum accrued vacation hours and grant the employee until September 25, 2020 to come into compliance with the maximum accrued vacation-hour rule without forfeiting any vacation time. If the employee fails to come into compliance with the maximum accrued vacation-hour rule by September 25, 2020, the employee will forfeit all accrued vacation leave in excess of the maximum.