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# MEMORANDUM

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Date: March 11, 2020

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry   
County Administrator

Re: **County Policy Modifications to Attendance Policies during Pandemic Influenza Outbreaks**

I am attaching modifications to Board of Supervisor Policy D 23.20 regarding attendance during influenza or other viral pandemic outbreaks. I am enclosing both a legislative (Attachment 1) and final version (Attachment 2) of the policy for the Board's consideration at the March 17 meeting. The policy provides additional guidance to employees as well as managers regarding the use of sick leave.

The policy indicates that for any employee exhibiting flu-like symptoms they will be required to stay out for 14 days based on the advice of the County's Chief Medical Officer. This obviously will be adjusted depending on the best available federal recommendations. The current medical advice regarding COVID-19 is a 14-day isolation period.

In addition, the policy now extends to employees who have exhausted their leave banks, the ability of the County to advance sick leave to these employees and to be repaid with future earned sick leave, not to exceed 80 hours per year, which is the equivalent of an approximate 14-day period.

In addition, I have already modified the Administrative Procedure 3-33 (Attachment 3) dealing with Telecommuting and added Section C to the policy which states, "*In the setting of community wide viral pandemic as approved by the County Administrator.*" This simply means that telecommuting options can be expanded particularly for employees who are eligible to work through the telecommuting process and are at-risk increased risk in the event of exposure to COVID-19.

CHH/lab

## Attachments

c: Jan Leshar, Chief Deputy County Administrator  
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer,  
Health and Community Services

# ATTACHMENT 1



## PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

**Subject:**

**ATTENDANCE POLICY DURING INFLUENZA OR OTHER VIRAL PANDEMIC  
INFLUENZA OUTBREAK**

**Policy  
Number**

D 23.20

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**Background**

**AN INFLUENZA OR OTHER VIRAL** Pandemic influenza refers to a worldwide outbreak of influenza **OR OTHER VIRAL ILLNESS** among people when a new strain of the virus emerges that has the ability to infect humans and to spread from person to person. During the early phases of a pandemic influenza **OR VIRUS**, people might not have any natural immunity to the new strain; so the disease would spread rapidly among the population. Pandemics can vary in severity from something that seems simply like a bad flu season to an especially severe influenza **OR OTHER VIRAL** pandemic that could lead to high levels of illness, death, social disruption and economic loss.

**Policy**

In order to aid in protecting the health and safety of our employees, Pima County has adopted the following temporary attendance procedures specific to employees who exhibit flu-LIKE symptoms during a pandemic influenza outbreak, **AS IDENTIFIED BY PIMA COUNTY'S CHIEF MEDICAL OFFICER**. Due to the highly contagious nature of the pandemic influenza **OR** virus and its similarity in symptoms to seasonal flu, anyone displaying flu-like symptoms will be treated the same under this policy. Except where temporarily modified by this policy, all procedures governing paid and unpaid leave remain in effect and are governed by the Pima County Personnel Policies. During pandemic situations, the County Administrator is granted authority to direct the Human Resources to grant other unforeseen waivers as the need arises.

It is the policy of the Board of Supervisors that:

- A. Employees, volunteers, interns, and contractors exhibiting the following symptoms must **NOT** come to work. Common symptoms ~~of the flu~~ are:

~~Fever greater than 38° C or 100.4° F combined with~~ one or more of the following:

1. Cough
  2. Sore throat
  3. Runny and stuffy nose
  4. Muscle aches
  5. Headache
  6. Chills
  7. Unusual fatigue
  8. Nausea, vomiting and diarrhea
  9. **FEVER GREATER THAN 38° C or 100.4° F**
- B. Employees must notify their immediate supervisor or authorized department representative if they are ill. Departments may establish alternate call-in procedures in the case of a pandemic.

<u>Subject:</u> <b>ATTENDANCE POLICY DURING INFLUENZA OR OTHER VIRAL PANDEMIC  INFLUENZA OUTBREAK</b>	<b>Policy  Number</b> D 23.20	<b>Page</b> 2 of 4
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C. Employees must stay home and minimize human contact if they are sick with flu-like illness. ~~until at least 24 hours after they are free of fever without the use of fever reducing medicines. Healthcare workers~~ **EMPLOYEES** need to stay out ~~FOURTEEN~~<sup>seven (7)</sup>~~14~~ days after onset of symptoms, **WHICH MAY BE SHORTENED OR EXTENDED BY THE COUNTY ADMINISTRATOR AS ADVISED BY THE CHIEF MEDICAL OFFICER, DEPENDENT UPON THE TYPE OF PANDEMIC.** ~~or 24 hours after the last symptom is gone, whichever is longer.~~

D. Appointing Authorities, ~~managers and supervisors~~ **OR DESIGNEES** have the responsibility to ensure the workplace is safe, and as a result, have the authority to send home employees who display flu-LIKE symptoms. Based on the above and to avoid further contaminating the work place, an employee must leave work when directed to do so by the Appointing Authority or designee. Failure to do so, to include delayed and resistant departure, may result in disciplinary action up to and including dismissal.

For the partial day absence due to being sent home, a non-exempt employee must charge some sort of leave for the hours not worked (**WHETHER PAID OR UNPAID**), while an exempt employee is paid for the full day when sent home from work.

E. ~~Employees who accrue sick leave and annual leave and have leave accruals on the books, to include initial probationary employees, will be allowed to use those banks for a pandemic influenza~~ **OR VIRAL** condition. **USE OF LEAVE FOR A PANDEMIC INFLUENZA OR VIRAL CONDITION MAY INCLUDE THE USE OF ACCRUED SICK, ACCRUED COMPENSATORY TIME, ACCRUED ANNUAL LEAVE AND LEAVE OF ABSENCE WITHOUT PAY.** Any associated personnel policies that establish time frame and purposes for use of leave banks are waived for the purposes of flu-like symptoms, **TO INCLUDE PROBATIONARY EMPLOYEES.**

For example, an employee on initial probation who has not reached three (3) months of continuous service may use accrued sick leave or who has not reached six (6) months of continuous service may use annual leave. As stated in general policy, probationary time may be adjusted for absences lasting more than eighty (80) hours. Also, a two-week notice is not required for annual leave for this matter, and employees may volunteer to use compensatory time accrued or annual leave once sick leave accruals are exhausted. Use of leave for the purpose of caring for a sick child or eligible family member who is ill with the pandemic influenza **OR** virus ~~may exceed forty (40) hours in a year (as established by anniversary date)~~ and may include the use of accrued sick, accrued compensatory time, accrued annual leave and leave of absence without pay.

F. ~~FOR~~ **FOR** ~~those employees who do not accrue leave banks or have exhausted leave banks,~~ **UPON REQUEST, THE COUNTY MAY ADVANCE SICK LEAVE TO THE EMPLOYEE TO BE REPAID WITH FUTURE EARNED SICK LEAVE, NOT TO EXCEED EIGHTY (80) HOURS PER YEAR. ALTERNATIVELY, THOSE EMPLOYEES WHO HAVE EXHAUSTED LEAVE BANKS** must be placed in a leave of absence without pay status in the best interest of the County or for humanitarian/personal reasons. The employee's consent in such instance is waived.

G. Due to strong recommendations from the Health Department and our healthcare provider, the requirement for a physician's verification for those who are absent for more than three (3) days is waived, unless the department suspects abuse. This will allow doctors, clinics and hospitals to attend to the very ill instead of those who simply need a physician's verification of an illness.

<p><b><u>Subject:</u></b>  <b>ATTENDANCE POLICY DURING INFLUENZA OR OTHER VIRAL PANDEMIC  INFLUENZA OUTBREAK</b></p>	<p><b>Policy Number</b>  D 23.20</p>	<p><b>Page</b>  3 of 4</p>
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This will relieve any overcrowding of medical facilities and further exposure that may occur from a pandemic. However, it must be noted that pursuant to Federal law, Human Resources must be notified when an absence is for more than three (3) 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** virus.

Serious health condition as defined under the FMLA requires inpatient care or a period of incapacity for more than three (3) consecutive calendar days and any subsequent treatment. This includes care for eligible family members. Human Resources (HR) -FMLA Administration is the only authority for Pima County to render a decision on a serious health condition. A decision will be made on a case-by-case basis.

If a serious health condition does not exist, then further verification may be waived, particularly since it has been stated that illness from the pandemic influenza **OR VIRUS** may last **UP TO 14-5** days. 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 (3) days of absence, the department must continue to notify HR-FMLA staff following normal procedures.

- H. In the case where ~~the~~ **AN EMPLOYEE'S** child is healthy and the child's school is closed, the Appointing Authority may approve **SICK LEAVE**, annual leave or the use of compensatory time. ~~The use of sick leave is not applicable.~~
- I. The Board of Supervisor**S** may determine from information provided by the Heath Department whether a work site or public facility is infected and if the work site or public facility must be shut down. At that time, the Board of Supervisors may invoke Personnel Policy 8-107.A.2. or may give further direction to the County Administrator.
- J. Except as stated in I above, an employee must have a legitimate reason for not coming to work either via approved vacation or use of compensatory time, due to illness, or based on a leave of absence without pay when granted by the Appointing Authority and approved by the County Administrator, when required.
- K. Special attention should be paid to infection control practices. Frequent handwashing, use of sanitizers, covering coughs and sneezes, and regular cleaning of frequently touched surfaces will reduce possible exposure in the workplace.
- L. When implementing this policy, Pima County 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 County, when applicable.

Finally, 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. Also, in addition to FMLA, medical disability and ADA may apply and will be handled on a case-by-case basis. Employees should contact Human Resources/Employment Rights with questions regarding this and other leave policies.

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References: Pima County Merit System Rules and Personnel Policies  
Americans with Disabilities Act (ADA)  
Fair Labor Standards Act (FLSA)  
Family and Medical Leave Act (FMLA)  
Health Insurance Portability and Accountability Act (HIPAA)  
General Duty Clause of the Occupational Safety and Health Act (OSHA)  
Section 5(a)(1)

Effective Date: 10/20/2009  
Revised Date: 03/XX/2020

# ATTACHMENT 2



## PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

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OUTBREAK**

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**Background**

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**Policy**

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It is the policy of the Board of Supervisors that:

- A. Employees, volunteers, interns, and contractors exhibiting the following symptoms must **NOT** come to work. Common symptoms are one or more of the following:
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  4. Muscle aches
  5. Headache
  6. Chills
  7. Unusual fatigue
  8. Nausea, vomiting and diarrhea
  9. Fever greater than 38° C or 100.4° F
- B. Employees must notify their immediate supervisor or authorized department representative if they are ill. Departments may establish alternate call-in procedures in the case of a pandemic.
- C. Employees must stay home and minimize human contact if they are sick with flu-like illness. Employees need to stay out fourteen (14) days after onset of symptoms, which may be

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shortened or extended by the County Administrator as advised by the Chief Medical Officer, dependent upon the type of pandemic.

- D. Appointing Authorities or designees have the responsibility to ensure the workplace is safe, and as a result, have the authority to send home employees who display flu-like symptoms. Based on the above and to avoid further contaminating the work place, an employee must leave work when directed to do so by the Appointing Authority or designee. Failure to do so, to include delayed and resistant departure, may result in disciplinary action up to and including dismissal.

For the partial day absence due to being sent home, a non-exempt employee must charge some sort of leave for the hours not worked (whether paid or unpaid), while an exempt employee is paid for the full day when sent home from work.

- E. Use of leave for a pandemic influenza or viral condition may include the use of accrued sick, accrued compensatory time, accrued annual leave and leave of absence without pay. Any associated personnel policies that establish time frame and purposes for use of leave banks are waived for the purposes of flu-like symptoms, to include probationary employees.

For example, an employee on initial probation who has not reached three (3) months of continuous service may use accrued sick leave or who has not reached six (6) months of continuous service may use annual leave. As stated in general policy, probationary time may be adjusted for absences lasting more than eighty (80) hours. Also, a two-week notice is not required for annual leave for this matter, and employees may volunteer to use compensatory time accrued or annual leave once sick leave accruals are exhausted. Use of leave for the purpose of caring for a sick child or eligible family member who is ill with the pandemic influenza or virus may include the use of accrued sick, accrued compensatory time, accrued annual leave and leave of absence without pay.

- F. For those employees who have exhausted leave banks, upon request, the County may advance sick leave to the employee to be repaid with future earned sick leave, not to exceed eighty (80) hours per year. Alternatively, those employees who have exhausted leave banks must be placed in a leave of absence without pay status in the best interest of the County or for humanitarian/personal reasons. The employee's consent in such instance is waived.

- G. Due to strong recommendations from the Health Department and our healthcare provider, the requirement for a physician's verification for those who are absent for more than three (3) days is waived, unless the department suspects abuse. This will allow doctors, clinics and hospitals to attend to the very ill instead of those who simply need a physician's verification of an illness. This will relieve any overcrowding of medical facilities and further exposure that may occur from a pandemic. However, it must be noted that pursuant to Federal law, Human Resources must be notified when an absence is for more than three (3) 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 virus.

Serious health condition as defined under the FMLA requires inpatient care or a period of incapacity for more than three (3) consecutive calendar days and any subsequent treatment. This includes care for eligible family members. Human Resources (HR) -FMLA Administration is the only authority for Pima County to render a decision on a serious health condition. A decision will be made on a case-by-case basis.

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If a serious health condition does not exist, then further verification may be waived, particularly since it has been stated that illness from the pandemic influenza or virus may last up to 14 days. 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 (3) days of absence, the department must continue to notify HR-FMLA staff following normal procedures.

- H. In the case where an employee's child is healthy and the child's school is closed, the Appointing Authority may approve sick leave, annual leave or the use of compensatory time.
- I. The Board of Supervisors may determine from information provided by the Health Department whether a work site or public facility is infected and if the work site or public facility must be shut down. At that time, the Board of Supervisors may invoke Personnel Policy 8-107.A.2. or may give further direction to the County Administrator.
- J. Except as stated in I above, an employee must have a legitimate reason for not coming to work either via approved vacation or use of compensatory time, due to illness, or based on a leave of absence without pay when granted by the Appointing Authority and approved by the County Administrator, when required.
- K. Special attention should be paid to infection control practices. Frequent handwashing, use of sanitizers, covering coughs and sneezes, and regular cleaning of frequently touched surfaces will reduce possible exposure in the workplace.
- L. When implementing this policy, Pima County 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 County, when applicable.

Finally, 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. Also, in addition to FMLA, medical disability and ADA may apply and will be handled on a case-by-case basis. Employees should contact Human Resources/Employment Rights with questions regarding this and other leave policies.

References: Pima County Merit System Rules and Personnel Policies  
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Family and Medical Leave Act (FMLA)  
Health Insurance Portability and Accountability Act (HIPAA)  
General Duty Clause of the Occupational Safety and Health Act (OSHA)  
Section 5(a)(1)

# ATTACHMENT 3



# ADMINISTRATIVE PROCEDURES

Procedure Number: 3-33  
Effective Date: 03/05/2014  
Revision Date: 03/02/2020

  
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County Administrator

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SUBJECT: **TELECOMMUTING**

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DEPARTMENT RESPONSIBLE: **All County Departments**

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## I. STATEMENT

Due to excess liability exposure and workers' compensation issues, Pima County employees will not be permitted to telecommute, or work from home or from a non-County remote location by the use of an electronic linkup with a County office, for any part of their work week. However, it is understood that there may be extenuating circumstances where telecommuting may be in the best interest of the County. Approval in such situations will be made on a case-by-case basis in accordance with this procedure.

## II. PROCEDURE

For situations involving legitimate reasons for telecommuting, to include an accommodation for a disability or an illness, County Administrator approval through appropriate channels will be required.

- A. An employee requesting telecommuting as a reasonable accommodation shall engage in the interactive process as delineated in Administrative Procedure 23-29 - Reasonable Accommodation of Applicants and Employees with Disabilities. The Americans with Disabilities Act (ADA) Coordinator shall prepare the required documentation for County Administrator approval and shall provide copies of approval, if granted, to the employee and the employee's Appointing Authority.
- B. An employee requesting to telecommute while on intermittent Family and Medical Leave Act (FMLA) leave shall provide the reason(s) for the request to his/her supervisor who shall submit all requests through appropriate channels to the County Administrator for approval. If approval is granted, the department shall notify the FMLA Coordinator, and monitor the employee's usage of FMLA to ensure compliance with Administrative Procedure 23-37 – Family and Medical Leave. Telecommuting will not be approved for employees on continuous FMLA.
- C. In the setting of community wide viral pandemic as approved by the County Administrator.

**III. RESPONSIBILITY**

- A. All employees are responsible for complying with County rules, policies, and procedures while telecommuting and to accurately record their work time in accordance with Administrative Procedure 22-16 – Time Worked Record.
- B. All departments are responsible for ensuring that telecommuting requests are properly submitted to the County Administrator for approval and for notifying employees and Human Resources of the duration of the approved telecommuting time period.
- C. Following County Administrator approval of a telecommuting request, the requesting department is responsible for submitting to the IT Department the forms necessary to secure the employee full remote access to his or her email and electronic documents and folders for the duration of the approved telecommuting period.
- D. Upon conclusion of an approved telecommuting period, the department is responsible for submitting to the IT Department the requisite forms for terminating the employee's remote access to his or her email and electronic documents and folders.
- E. Human Resources is responsible for providing guidance and interpretation of this Administrative Procedure and for provisions of the ADA and FMLA.