CITY OF MINNEAPOLIS
WORKFORCE PROTECTION POLICY
(Links to Policy and Forms)

Governing Policy: City of Minneapolis Workforce Protection Policy

Synopsis: Establishes procedures, roles, and responsibilities for when department heads can require employees to exit the workplace.

Procedure History: Department Approval: TBD, 2009

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Links to Related Regulations:

Administering Department: Health & Family Support

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I. Roles and Responsibilities

All employees of the City of Minneapolis play important roles to ensure compliance with the Workforce Protection Policy. City employees must perform the responsibilities as outlined below and in accordance with the procedures developed for this policy.

Role	Responsibility
Employees	1. Comply with the City of Minneapolis Workforce Protection Policy and Procedures and exit the workplace as directed. 2. If able to return to work after being sent home, the employee may be required to provide medical approval from his/her healthcare provider.
Health Commissioner	1. Develop, implement, manage, and update the policy. 2. Establish, manage, and modify procedures necessary to carry out and comply with the policy in accordance with applicable laws, City ordinances, policies, and rules.
Human Resources Director	1. Upon request, assist the Health Commissioner in establishing, managing, and modifying procedures necessary to carry out and comply with the policy in accordance with applicable laws, City ordinances, policies and rules. 2. Provide departments with information about employees on leave absences covered by this policy. 3. Develop and maintain procedures for implementation and ongoing maintenance of the Workforce Protection Policy. 4. Determine the appropriate means of communicating the Policy and Procedures to all employees. 5. Ensure the Human Resources Staff are carrying out their responsibilities. 6. Understand and comply with the FMLA, including those covered under the National Guard, Reserves, or Armed Forces.
Department Heads and Management	1. Understand and comply with this policy with respect to the individuals covered by this policy. 2. Before sending any employee home, make sure he/she has received a Removal from Workplace Notice. 3. Identify essential functions and try to modify employees' work schedules first before sending home an employee. 4. When in doubt, send home an employee who appears to have symptoms of a disease or illness pertaining to the COOP event; however, do not make judgments as to a medical diagnosis. 5. Consult www.pandemicflu.gov if need be. 6. Advise the Human Resources Director with a decision to send home an employee. 7. Give the employee who has been asked to leave an FMLA Handout and Request Form. 8. Understand and Comply with the Return to Work Provisions for an employee coming back to work. 9. Understand the procedures and training necessary for the Employee Assistance Program (EAP).
Human Resources Generalist	1. Provide consultation and assistance to the HR Manager or Department Head when deciding to send an employee home or allow an employee to return to work.

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II. Purpose

To provide alternatives to City supervisors and workers to protect employees in the event of a COOP pandemic event.

III. Alternative Work Schedules

Most departments have established normal work days and work weeks. Alternative work schedules may modify the starting and ending times of shifts, the length of the work day, or the number of work days in a work week during a proclaimed COOP event to enhance social distancing, business continuity, or other response goals as follows:

A. Regular full time employees, part-time employees, and temporary employees may be approved to work alternative schedules.

B. Departments should review their normal business hours and work schedules to determine if they can be modified to promote social distancing, business continuity, or other response goals during a COOP event.

C. Departments will identify essential functions and non-essential functions that may be staffed with personnel on alternative schedules.

D. If feasible, supervisors should first ask for employees to volunteer to work hours other than their usual schedule. Where certain work schedules cannot be staffed, department management may direct staff to work the schedules as necessary. To the extent possible, for employees covered by labor agreements, alternative schedules should be assigned in inverse order of seniority if volunteers cannot fill needs.

E. Regular work schedules may be changed by a supervisor subject to a 24-hour cancellation notice, when possible, upon the proclamation of a COOP event. If less than a 24-hour notice is necessary, department management may make such changes.

F. Alternative work schedules may be changed by a supervisor subject to a 24-hour cancellation notice upon the declaration of a COOP event. If less than a 24-hour notice is necessary, department management may make such changes.

G. Departments are encouraged to work with staff to minimize the impacts of decisions affecting schedule changes. Rest and meal period requirements continue no matter what type of work schedule is assigned. Overtime is probable and should be expected.

H. Alternative work schedules may be processed via email, fax, or telephone. Approved schedules should also be formally documented. Such documentation should occur within one week of the start of an alternative schedule or as soon as practicable thereafter. A supervisor may document the change via email, memorandum, or fax.

I. If an employee makes a request for an alternative work schedule and the request is denied, no written explanation of why the request has been denied is required during the proclaimed COOP event.

J. When appropriate, management may assign an employee to return to the employee's regular schedule.

1. If an employee is assigned to return to his/her regular schedule during a COOP event, the assignment is subject to a 24-hour cancellation notice, when possible; if less than a 24-hour notice is necessary, department management may make such changes as necessary.

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2. When an employee is assigned to return to his or her regular schedule after the COOP event is over, the assignment is subject to a 24-hour notice when possible.

K. Departments should refer to their Hours of Work and Overtime Plan or applicable labor agreement language regarding overtime pay.

IV. Sending Employees Home

When in doubt, supervisors should send home any employee who appears to be ill with a disease or condition precipitating the COOP event. Employees who refuse to leave the workplace when directed to may be subject to disciplinary action.
Training of supervisors should include a reminder that they have the authority to send ill employees home.

Non-exempt employees who are unable to work due to medical reasons, including absences for treatment and/or health appointments, will be required to use accrued (sick, compensatory, vacation) leave or budgetary leave. Exempt employees who are unable to work due to medical reasons, including absences for treatment and/or health appointments, will be required to use accrued (sick/vacation) leave or budgetary leave for any absence of a full day or more. Under city Civil Service Rules, labor agreements, and the federal FMLA, an employee may use sick leave to care for a spouse, child, parent, or person regularly residing in the employee's immediate household.

Management should consider the physical well-being of its employees and whether their health may be endangered by the health of an ill employee at work. Such is the case if an employee exhibits symptoms of influenza. If an employee who is working during the COOP event appears to have influenza, supervisors have the authority, and obligation, to require the employee to leave the workplace.

Supervisors should do the following:

A. Do not make judgments as to medical diagnosis. Determination to send an employee home includes:

- Fever
- Cough
- Sore Throat
- Muscle Aches
- Eye Infections
- Acute Respiratory Distress

For further information, consult the following website: www.Pandemicflu.gov

B. Advise Manager or Department Director of decision to send an ill employee home.

C. In the event paid sick leave is exhausted and the employee elects not to use available vacation hours and the absence must continue for at least two payroll periods, the employee should be placed on budgetary leave without Pay via an Employee Action Form. The departmental payroll contact must be consulted. If the employee is placed on "budgetary leave," such leave should run concurrently with FMLA leave.

D. Inform the employee, orally with a subsequent written confirmation (see sample e-mail/letter/FAX in APPENDIX A), of the decision to send him/her home and to explain his/her leave options.

1. If the employee has sick leave, inform the employee that he/she may elect to use sick leave or budgetary leave.

2. If the employee has sick leave/vacation, or compensatory time for non-exempt employee, inform the employee that he/she will be approved to use sick leave and may, if sick leave is exhausted, use vacation, compensatory time off, budgetary leave, or leave without pay.

3. Send the employee a Family and Medical Leave Employee Handout and Request Form as well as the FMLA Medical Certification with a job description attached. A minimum 15-calendar day deadline for the return of the completed Certification form should be imposed; however, it may be necessary to extend this deadline due to the COOP event.

4. Inform the employee that when his/her condition improves to the point where he/she no longer poses a health hazard to fellow employees (which may require written confirmation by the employee's health care provider), he/she should contact his/her supervisor in order to arrange for return to work. Such notice should be given as soon as possible after a medical clearance is obtained but no later than the next work day following the determination. See Return to Work Provisions section for more information.

In the event paid sick leave is exhausted and the employee elects not to use available vacation hours or compensatory hours or if absence must continue for at least two payroll periods, the employee should be placed on a Medical Leave without Pay via an Employee Action Form. The departmental payroll contact must be informed. If the employee has exhausted **all** leave banks, the employee should be placed on Budgetary Leave.

V. Return to Work Provisions

In the event City of Minneapolis declares a widespread COOP event, the following procedures for Return to Work Provisions will be in effect for the duration of the COOP event. The employee (who has been on leave for medical reasons and who reports to his/her supervisor that he/she is able to return to work) and the employee's supervisor are responsible for the following:

A. Employee's Responsibility – The employee who has been on leave for medical reasons may be required to obtain written approval from his/her primary health care provider before returning to work. This documentation should specify any restrictions the employee may have upon return to work, including their duration. When the employee's condition improves so he/she no longer poses a health hazard to fellow employees (the employee should contact his/her supervisor in order to arrange for return to work as soon as possible.

B. Supervisor's Responsibility – The Supervisor should review the employee's health care provider's written approval for return to work, which may specify any restrictions the employee may have upon return to work and their duration.

If the medical statement indicates restrictions, determine whether the employee's job duties may be sufficiently modified to allow the continued operation of the work unit. The Human Resources Generalist for the Department should be consulted, if necessary, to assist with this evaluation.

It may be necessary to obtain clarification from the health care provider. If this is indicated, the request for clarification should be clearly described and should be given to the employee for submission to the health care provider. Under no circumstances should the request for clarification be sent directly to the provider nor should the supervisor contact the provider directly. The Human Resources Generalist for the Department should be consulted if there are any questions concerning how to proceed.

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If the medical clearance is determined to be acceptable, provide the employee with the following information:

1. Return-to-work date and time;

2. Work location if the employee will be assigned to work from a different location than his/her normal place of work, or telecommute;

3. Work schedule and, if significantly different from the employee's normal work schedule, the duration of the temporary work schedule if known;

4. Specific work assignment if significantly different from the employee's regular duties;

5. Supervisor to whom the employee should report, if different from the employee's regular supervisor.

VI. Family and Medical Leave Act (FMLA)

The City of Minneapolis adheres to the Family and Medical Leave Act (FMLA) through application of its internal leave policies (see Leave of Absence Administration section). Such leaves, if determined to be the result of a serious health condition which incapacitates the employee (as defined by FMLA) should also be recorded as FMLA leave. NOTE: FMLA provides leave to care for a family member (defined as a spouse, child, or parent) with a serious health condition to assist and attend to the employee's spouse, son, daughter, or parent being called to active duty with the National Guard or Reserves, or to care for the employee's spouse, son, daughter, parent, or next of kin who suffered serious injury or illness incurred in the line of duty on active duty with the Armed Forces. It should be remembered that city policy allows an employee to also take leave to care for a registered domestic partner, in which case FMLA leave should also be recorded.

For details concerning the city's administration of FMLA, supervisors and managers should review the FMLA Guide for Supervisors and Employees and/or consult with the Human Resources Generalist assigned to their Department. The FMLA Guide, forms and job descriptions are available on the City intranet or internet sites.

VII. Employee Assistance Program

It is not known if the EAP vendor and backup resources will have the capacity to handle the volume and complexity of employee requests for assistance. "Employees and their families may require considerable assistance to cope with the physical and emotional trauma of a COOP event. This will extend well beyond the level of support traditionally afforded by an EAP. HR needs to strategize the nature and extent of issues that will manifest themselves and recommend the level of support to be provided and a means of providing the recommended level.

Pre-pandemic training sessions may be necessary in order for managers and supervisors to be prepared to address employee stresses, and understand what resources are available.
During a COOP event, referral to the city's Employee Assistance Program (EAP) may address personal problems which interfere with work performance. Supervisors and managers should be mindful of the fact that such a COOP event may cause stresses that uniquely compromise the effective functioning of a work unit. Furthermore, there may be a need for Critical Incident/Stress Debriefing Sessions and/or management consultations to assist a work unit with particular problems or traumatic events.

In the event the City of Minneapolis declares a COOP event, the city's standard policy concerning the use of the EAP will continue to apply.

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1. Supervisors should recommend that an employee contact the EAP for assistance if, in the opinion of the supervisor, such assistance may be helpful in improving not only the employee's job performance but that of the work unit.
2. Employees who wish to access EAP services should schedule such phone calls/consultations so that they are not unduly disruptive to the work unit.

3. Employees who must schedule EAP sessions/consultations on work time must obtain approval from their supervisor. Non-exempt employees will be expected to use sick, vacation or compensatory leave.

4. Supervisors should approve leave requests for EAP consultations if an acceptable staffing level may be maintained.

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APPENDIX A

Sample Removal from Workplace Notice

Date: xx/xx/xx

To: Employee's name

From: Supervisor Manager/Appointing Authority's name

Subject: Removal from Workplace — Exhibiting Pandemic Influenza Symptoms

I am concerned about your physical well-being, and I am also concerned that you may be contagious in light of the recent declaration of a Pandemic Influenza COOP event. As a result, I am sending you home from work.

You may use accrued and unused paid time (sick leave, vacation leave, or compensatory time).

While you are using paid leave, your health coverage, Basic Term Life insurance, and other benefits will continue as though you are actively working; if your paychecks are not large enough to deduct required employee benefit payments, the city's Benefits Unit will notify you in writing should you need to submit these payments via personal check. Contact your Human Resources Generalist or the Benefits Unit (612-673-3347) if you have any questions.

Enclosed are the city's FMLA Employee Handout and Request Form as well as the FMLA Medical Certification Form with your job description attached. Please do the following:

1. Complete the FMLA Request Form. Return this Form to me [name and address] within three working days from the date of this letter.

2. If possible, have your primary health care provider complete the FMLA Medical Certification Form. Return this Form to me [name and address] within 15 calendar days from the date indicated on the Form.

At the point you are cleared to return to work, please contact me at [telephone number] as soon as this determination is made but no later than the following work day. We will arrange for your return to work. NOTE: When you and/or your doctor indicates you are able to return to work, you are encouraged to, if possible, get written confirmation at that point, with any applicable restrictions, as I may request it to verify your ability to work

Thank you for your understanding. I hope that you will soon feel better.

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