

CITY OF BRANSON, MISSOURI
ADMINISTRATIVE RULES

RULE NUMBER 27 REFERENCING ARTICLE 29 OF THE HUMAN RESOURCES MANUAL
ADOPTED 08-XX-2020

A RULE ABOUT **EMPLOYEE SAFETY DURING AND FOLLOWING EMERGENCY, DISASTER OR PANDEMIC CONDITIONS**

Section 1. Overview

Because Employees are both the City's greatest asset and the City's greatest investment, their safety is of paramount importance. Although a rule covering every possible scenario would be challenging to articulate, this rule is designed to outline basic safety standards for all employees of the City during times of Emergency, Disaster, or Pandemic conditions. This rule may apply with or without an Emergency Proclamation by the Mayor, and may be updated as necessary to meet newly-identified or future challenges facing the City, as determined by the City Administrator.

Section 2. Definitions

For the purposes of this rule, the following terms are defined generally, and where applicable, not to be taken as inconsistent with City code or in conflict with official Emergency Management communications.

Emergency: for the purposes of this rule, a serious, expected or unexpected, and often dangerous, situation that requires immediate action to resolve in either favorable circumstances, or with the best available outcome regarding the physical, mental and financial safety and well-being of all. An emergency response can be initiated through an official Emergency Declaration by the City Mayor; it can be through a call for urgent help or assistance; it can be through observations of an impending or current attack by someone or ones aiming to cause harm, death or destruction; it can be a request by/for someone needing various life-saving interventions; or it can be a call to action based on general understanding necessary to avert situations that could otherwise result in death, a destruction of property or the loss of something of great value. Synonymous with crisis, calamity, plight or exigency.

Essential Services: for purposes of this rule, essential services include ensuring public safety and delivery of good drinking water and managing necessary sewer services. These services include the roles of emergency communications dispatchers, patrol officers, detectives, police sergeants and police command staff up to Police Chief; firefighters, fire engineers, fire captains, battalion chiefs, and fire command staff up to Fire Chief; all credentialed utility plant operators, designated water distribution/sewer collection staff, and all associated supervisors up to the Utilities Director; and all other personnel as designated by the City Administrator. Note: essential services applies to the positions outlined above, which is mutually exclusive from the overall need or demand for all individuals in all positions listed above.

Face Covering: a physical barrier where it at all times when/where required, at a minimum, covers the nose and mouth of a person in an effort to not spread or to not be infected by any communicable illness or disease. Any such face covering can be made of various materials, typically of a particulate or fabric that is secured to the face with ties, loops or elastic.

Disaster: for the purposes of this rule, a sudden major event, generally caused by a mechanical failure/misuse, a natural occurrence or a human-caused event that could result in or cause great personal or structural damage or loss of life. Synonymous with catastrophe, cataclysm, tragedy, collapse, act of God or holocaust.

Pandemic: the occurrence of a virus or disease that is prevalent across the country and world. Synonymous with epidemic, outbreak, rampant disease or world-wide illness.

Protocol: the official system of rules or procedures governing affairs regarding a specific situation or issue.

Quarantine: a defined period of time where one person, who having been exposed to or having contracted a disease or illness, spends such time away from other people (with exception of caregivers) remaining in his or her residence, in an effort to limit the spread of an illness or disease. Such quarantine time for employees also includes time away from work, except when able and approved to telework, and any time away from secondary employment. General direction for parameters of any quarantine are outlined by the Centers for Disease Control (CDC) or the person's county of residence health department. Example: for the 2020 COVID-19 pandemic, the CDC designated fourteen (14) days as a recommend amount of time to quarantine from other people.

Social Distancing: a distance of space, for this rule to be articulated in feet, which is maintained consistently between persons who are not related and who do not live in the same household. Example: for the 2020 COVID-19 pandemic, social distancing was generally accepted as six (6) feet between one another.

Streaming: for the purpose of this rule, streaming is an electronic transference of digitally recorded actions taken by a board or committee to the internet.

Teleworking: the effort of an employee performing his or her City job, with prior approval by the Assistant City Administrator, from a remote location, typically performed using a computer and/or cell phone, accessing the associated infrastructure to communicate and do work as though the employee was in his or her normal workplace or office. Not all City of Branson jobs are eligible for telework.

Section 3. Enhanced Safety Protocols During Emergency, Disaster or Pandemic Conditions

A. Public Safety departments may establish and implement their protocols for safety guidelines during emergencies, disasters or pandemics provided they are approved by the Assistant City Administrator and the City Administrator.

B. Travel

The City Administrator may impose travel restrictions or limitations on employees during such times to help ensure the safety of all employees. This may include restrictions on personal or recreational travel whereby employees who travel to “hot spots” of illness or disaster may be required to quarantine themselves upon their return. It shall be each employee’s responsibility to check with the Human Resources Risk Manager before personal travel to determine whether or not any such destination is a “hot spot.”

C. Face Coverings and Social Distancing

For employees’ and visitors’ safety, during times of pandemic, epidemic, or a severe outbreak of any highly communicable illness, the City Administrator may require face coverings and social distancing of employees and any person entering a City of Branson facility. The requirement for face coverings may be extended to employees traveling together in a vehicle where social distancing is not possible. There may be further requirements based on City ordinance. Additionally, the City Administrator may “close” conference rooms, lunch/break rooms or other rooms where employees may usually congregate to help enforce social distancing. Employees with private offices or behind protective barriers may need not wear face coverings while in their individual work areas.

D. Quarantine

- 1.) Testing for illnesses and quarantine time requirements shall follow the Centers for Disease Control (CDC), the Taney County Health Department or the employee’s county of residence health department’s guidelines.
- 2.) For all employees’ safety, those exposed to highly communicable illnesses during times of pandemic, epidemic or disaster may be required to leave work immediately or to not come to work if exposed during their personal time.
- 3.) Time spent off the job because of quarantine shall be compensated on a case-by-case basis. If contraction of, or exposure to, the illness can be proven to be work-related or unrelated to personal travel, the City Administrator may direct that such time away from work be paid without the employee being required to use leave accruals.
- 4.) Any such time quarantined where exposure was from personal travel to identified “hot spots,” wages shall be paid from available vacation leave credits. If vacation credits have been exhausted, the wages paid during quarantine may be taken from available sick leave credits, however only with prior City Administrator approval. If no vacation or sick leave credits are available, quarantine time shall be unpaid.

- 5.) For employees lacking leave accruals for pay during a non-compensated quarantine, any such quarantine is not a Care Leave qualifying event.
- 6.) During any quarantine away from work, other than the time taken unpaid, employees are prohibited from working any secondary employment that is outside of their places of residence and/or that requires any in-person contact with their employer or customers.
- 7.) For employees contracting the virus during a quarantine period, any additional quarantine time, if any, shall be determined following the Centers for Disease Control (CDC), the Taney County Health Department or the employee's county of residence health department's guidelines.

E. Returning to the Workplace During an Emergency, Disaster or Pandemic

To ensure the safety of all employees, caution must be taken prior to returning to the workplace in the midst of an emergency, disaster or pandemic.

- 1.) Emergency – the City Administrator, Assistant City Administrator, Police Chief or Fire Chief will signal to employees when it is safe to return to work following an emergency.
- 2.) Disaster – the City Administrator, Assistant City Administrator, Police Chief or Fire Chief will signal to employees when it is safe to return to work following a disaster. Employees are cautioned to ensure their specific work areas are safe from debris, broken glass or other items that could pose a hazard to employees' safety.
- 3.) Pandemic – when an employee has been quarantined during a pandemic (whether or not the employee actually contracted the illness), the Taney County Health Department, or the health department from the employee's county of residence, will issue a written order that it is clear for the employee to return to work. Prior to the employee returning to work, any such clearance shall be sent by the employee to the Human Resources department. Human Resources will then notify the employee's supervisor, the Department Head, and the Assistant City Administrator that it is safe for the affected employee to return to work. Employees may not return to work until such clearance is processed by Human Resources.

F. Compensation or Pay

- 1.) In order to better afford to maintain safe staffing levels during Emergency, Disaster or Pandemic conditions, the City Administrator may freeze pay increases indefinitely.
- 2.) In times of prolonged serious conditions where revenues are significantly impacted in a negative way, in order to maintain safe staffing levels that meet the City's needs, the City Administrator may recommend a rollback of employee rates of pay. However, the City Administrator will communicate any such rollback at least 30 days in advance.

- 3.) The City Administrator, through the Assistant City Administrator, may also direct the Human Resources Director to engage lower-cost medical and dental insurance, bypassing normal protocol where City-wide employee input is engaged.
- 4.) Any rollbacks in pay and changes in insurance coverage to be enacted would be recommended by the Human Resources Committee to the Board of Aldermen.

G. Departmental Budget Freezes

During times of Emergency, Disaster, or Pandemic, the City Administrator may direct Department Heads to freeze spending and/or cut planned budget expenditures. This includes hiring freezes. However, Department Heads may have specific exemptions to this freeze when safety concerns for either employees or the public are at risk, and when approved by the Assistant City Administrator and the City Administrator.

H. Meetings during an Emergency, Disaster or Pandemic

- 1.) For internal meetings, employees are encouraged to hold all meetings virtually using the platform provided by the Information Technology department. When virtual meetings are not possible, social distancing and/or face coverings are to be employed.
- 2.) For public meetings:
 - a. If held virtually, they must be streamed to the internet by the Information Technology department. Notification shall follow standard protocol through the City Clerk's Office. For committee members getting set up to meet virtually or for new committee members, the Information Technology department must be notified one week in advance to test and/or troubleshoot their network connectivity.
 - b. For public meetings held internally, streaming to the internet is not always required, but notification shall follow standard protocol through the City Clerk's Office. For such meetings, all participants should adhere to face covering and social distancing requirements in place at that time.

I. Work Shift Modifications/Teleworking

- 1.) To ensure employee safety with diminished or constrained resources, the City Administrator or the Assistant City Administrator may direct Department Heads to establish work schedules and locations that meet the basic functions for completing the mission of each department. Such schedules may include mandatory overtime and cancellation of approved or planned time off by employees. Locations may be from the employee's home or other secure approved location. The Department Head shall make every effort for fairness and equity in the scheduling. Exempt employees shall receive no shift differential for working earlier or later shifts.

- 2.) Additionally, some jobs can be performed through teleworking on an as-needed basis, but many Police, Fire, field-related or treatment plant-related jobs cannot. The Department Head may establish teleworking schedules, and the associated performance metrics for success for appropriate staff, with prior approval by the Assistant City Administrator. The primary focus of teleworking is to meet the needs of the organization; employee convenience is a byproduct of teleworking, but for fairness sake, must not factor into whether or not any employee is scheduled to work remotely.
- 3.) The City, through the Information Technology department, will establish specific guidelines and requirements for teleworking access. The Information Technology department will provide necessary equipment for teleworking, however not all employees will receive the same equipment. Even though the Information Technology department will support all City-owned equipment, this department cannot support employees' personal hardware/software/network issues, even when trying to access City cloud-based applications. Furthermore, it will be the individual employee's responsibility to have adequate electrical power and internet connectivity to perform telework to a level approved by each Department Head.

J. Layoffs and Furloughs

1.) Rationale

Because of the onset or aftermath of an Emergency, Disaster or Pandemic, the demand for services by City staff can significantly diminish because of a reduction in tourism and subsequently a slowing of the influx of associated tax dollars. When this occurs, hiring diminishes or stops completely; calls for service drop off; economic growth comes to a standstill and inspections are curtailed; and general non-essential basic public-related activities and/or services slow or stop completely. All to a point where the City can no longer be good stewards of taxpayer dollars without making significant cuts to expenditures to reduce or eliminate idle or significantly under-utilized resources where the capacity to do work outweighs the demand. Simply put, like any organization, the City requires a basis of income to pay employees to do work. When the income dries up, the need for certain workers can become unsustainable and still meet the safety needs of the community.

2.) Goals related to Layoffs or Furloughs

- a. The primary goal is to ensure the safety of all employees, visitors, businesses and citizens of the City of Branson balanced against available financial, personnel, and other capital resources as determined the guidelines set forth in Priority Based Budgeting.
- b. The goals of determining which areas or departments are impacted by emergency-oriented layoffs or furloughs shall follow the same parameters established by the Board of Aldermen based in Priority Based Budgeting.

- c. Other non-essential expenditures shall be scrutinized for cuts before ever making any reductions in staff. This could also apply to making strategic cuts to essential expenditures but where the City has historically paid a premium price (greater quality, more “bells and whistles,” or more options) for an upgraded product or service.
- d. If emergency-based cuts in staff are necessary, furloughs (temporary dismissals from service) will be enacted first, over layoffs (permanent dismissals from service), whenever each affected employee has a record of high quality performance, attendance and engagement with his or her role with the City.
- e. Essential services positions would be prioritized over non-essential services positions.
- f. Higher performing, more engaged employees will be retained over employees whose performance or engagement is less.
- g. The City Administrator, or the Assistant City Administrator, may designate that all or specific areas reduce the hours worked across-the-board for the effect of a partial furlough.
- h. Employee resources may be reallocated, repositioned or work fewer hours based on appropriateness and skill level to best fit the overall needs for services.
- i. The effects of any layoff or furlough will be reviewed by the Human Resources Director, City Attorney and approved by the Assistant City Administrator and the City Administrator to help ensure organizational need, fairness, appropriateness, and that there is no disproportional adverse impact on any federally protected class of employee.

3.) List Development of Staff and the Effects of a Layoff or Furlough

- a. When City revenues are negatively impacted by any Emergency, Disaster or Pandemic conditions, the City Administrator, through the Assistant City Administrator, may direct Department Heads to prioritize lists of personnel in their respective departments who are essential to the safety and wellbeing of employees and the public. Those higher in priority will more likely be retained, while those lower in priority may be more subject to layoff or furlough.
- b. For employees, both a layoff and a furlough are a dismissal from City service, and both make employees eligible for unemployment compensation.
- c. The timeframe for a layoff is indefinite, and the employee should have no expectation of a call-back. Laid-off employees will be considered leaving employment in good standing and will receive the requisite payout of vacation and

sick leave accruals as outlined in Article 17. They will also be eligible for continued insurance coverage under the Consolidated Omnibus Reconciliation Act (COBRA) coverage at the beginning of the next month following their layoff.

- d. The timeframe for furlough is up to twelve (12) weeks. Furloughed employees will receive no payout of leave accruals. However, they will still receive their current City's portion of insurance coverage while they are on furlough. These employees will, however, need to pay their portion of the insurance premiums from their personal funds. Although furloughed employees may be expected to return to work, should they find other employment during their furlough and provided they have not been called back to work by the City, they may qualify for leaving service in good standing when they give the requisite fourteen (14) calendar days' notice of their permanent end of employment, subject to City Administrator approval.
- e. Any such list shall be predicated on each Department Head first gathering the names, if any, of his or her staff who would volunteer for a layoff or furlough. The City Administrator may provide a gratuity of some form for those who volunteer for a layoff or furlough. If the necessary number of employees volunteer for a layoff or furlough in a department, any subsequent layoff or furlough list development may not be necessary at that time by that Department Head.
- f. This list of names of those employees affected by layoff, furlough or other adverse employment action will be referred by Human Resources to the City's Employee Assistant Provider (EAP) for assistance.

4.) Layoff or Furlough List Priorities

- a. This list shall not be solely predicated on tenure or funding source, rather it shall be developed in the following order of importance where the lower the number, the greater the weighting, and where each next higher criterion acts as the tiebreaker for the previous criterion:
 - i. For departments where the mission is determined instrumental to the overall functionality of the organization or essential to the City, there will be no fewer than two staff members to complete the mission of any one department based on the overall fit in Priority Based Budgeting; or for large departments of twenty (20) or more employees, no fewer than two staff members of any division.
 - ii. Priority will be given to the lack of depth of personnel in a specific area (i.e., the fewer the number of a specific position, the higher the priority to retain) necessary to accomplish the mission of the department or division. The City Administrator may prioritize certain positions or departments for retention, depending on their specific missions.

- iii. Disciplinary action – irrespective of tenure with the City, those who have more than two disciplinary actions in the past five (5) years, or anyone with one suspension, demotion or corrective probation in the past twenty-four (24) months, shall be considered the most eligible for layoff or furlough.
 - iv. Those who scored highest on his or her performance evaluation in the past thirty-six (36) months, will be retained over those with lower scores, with the priority for any tie-breaking (where performance evaluation scores are similar) going toward that employee with the highest score for “Engagement/Attitude” in the most recent evaluation cycle. Those employees who have had at least one formal evaluation shall rank higher than those who have had no formal evaluations.
 - v. Work attendance – those who have been at work most consistently and used the least amount of sick leave – outside of qualifying Family Medical Leave events – recorded on their past twenty-four (24) months’ pay records will be retained over those who have been absent more frequently.
 - vi. Seniority in the current position.
 - vii. Seniority as an employee with the City.
 - viii. The status of those employees off work for Family Medical Leave or Workers’ Compensation reasons will be addressed on a case-by-case basis.
- b. Prior to approval by the City Administrator and the Assistant City Administrator, the Human Resources Director and the City Attorney together shall review all lists to avoid disproportional adverse impact for any federally protected class identified for layoff or furlough in any Department.
- 5.) If the City Administrator determines financial conditions warrant a layoff or furlough, the Assistant City Administrator, making determinations with Department Heads, and working through the Human Resources Director, shall provide affected staff no less than fourteen (14) calendar days’ notice of such layoff or furlough. Employees may not grieve or appeal a layoff or furlough anytime during, or for twelve (12) months following, official Emergency, Disaster or Pandemic conditions.
- 6.) In the event financial conditions do not improve in the twelve (12) weeks after furlough, the City Administrator may direct that one or more employees on furlough may then be laid off, whereby affected employees may receive a payout of vacation and sick leave accruals as outlined in Article 17. These employees’ insurance coverage would then fall under COBRA coverage at the beginning of the next month.

K. Reclassifications and Demotions

- 1.) The City Administrator, through the Assistant City Administrator, may also direct Department Heads to re-evaluate roles in the department to determine if reclassifications or demotions would need to occur because of significantly lower/changed work volumes or quantity because of the Emergency, Disaster or Pandemic condition. Similar prioritization would be followed as the procedures for layoff and furlough when consideration is made for those who would receive reclassifications or demotions.
- 2.) The following list are items that could necessitate a change in position:
 - a. Significant decrease in work volume/responsibility.
 - b. Jobs that are no longer necessary or eliminated.
 - c. A shift of priorities in the position that requires significantly less skilled work.
 - d. No longer supervising staff.
- 3.) Rates of pay and FLSA status for any such reclassification or demotion would be determined by the Human Resources Director in line with current pay standards, taking into account the employee's tenure or longevity with the City. Such determinations, when approved by the City Administrator may not be grieved or appealed.
- 4.) Additionally, prior to approval by the City Administrator and the Assistant City Administrator, the Human Resources Director and the City Attorney together shall review all lists to avoid disproportional adverse impact for any federally protected class identified for reclassification or demotion in any Department.
- 5.) If the City Administrator determines financial conditions warrant reclassifications or demotions exist, the Department Heads, working with the Human Resources Director, shall provide affected staff no less than fourteen (14) calendar days' notice of such reclassification or demotion. Employees may not grieve or appeal a reclassification or demotion anytime during, or for twelve (12) months following, official Emergency, Disaster or Pandemic conditions.

L. Review of Enhanced Safety Protocols

City and Public Safety protocols for enhanced safety during Emergency, Disaster or Pandemic conditions shall be reviewed every 30 days. The City Administrator will make a specific announcement when such protocols may be relaxed. In the absence of any announcement, employees are expected to continue to follow the enhanced safety protocols.

Furthermore, Human Resources shall be tasked with periodic updates to employees during times of Emergency, Disaster or Pandemic conditions as it deals with internal protocol outside of, or in conjunction with, any public safety communications.

Section 4. Returning to Normal Work Conditions

The guidelines below outline what employees can expect when returning to standard or normal work conditions following Emergency, Disaster or Pandemic conditions. Not everything may return to “normal.”

A. Notifications

The City Administrator will announce any lifting of travel restrictions, face-covering and social distancing requirements, lifting of pay and budget freezes, and normalization of employee meetings and work shift modifications via the City’s email system. Supervisors of employees who do not regularly use email must ensure staff is appropriately notified.

B. Compensation or Pay

Upon cessation of any such Emergency, Disaster or Pandemic condition, the City Administrator will direct the Human Resources Director to calculate the compensation that each affected employee would have otherwise received. The City Administrator may then communicate a plan to “make good” on lost wages for employees in a way that meets the City’s financial limitations and outlook. However, not all lost wages may be recouped by employees.

C. Recalls from Layoffs

- 1.) The City Administrator, through the Assistant City Administrator, and after consultation with each respective Department Head, will communicate any recalls of laid-off personnel to the Human Resources Director. The Human Resources Director will be responsible for notifying any such employee via certified mail. Laid off personnel returning to work will be treated in accordance with Article 13, Section 6. Bridging of Service and Re-Employment. If such employee withdrew or cashed out his or her LAGERS retirement while on layoff, any LAGERS service credit will begin as though he or she was a new employee.
- 2.) Any call back offer shall be withdrawn for a laid-off employee who does not respond back in person or other direct means of communication to Human Resources (for determination of an anticipated start date) within seven (7) calendar days following delivery of notification.

D. Recalls from Furloughs

- 1.) The City Administrator, by through the Assistant City Administrator, and after consultation with each respective Department Head, will communicate any recalls of furloughed personnel to the Human Resources Director. The Human Resources Director will be responsible for notifying any such employee via certified mail at least fourteen (14) days prior to a required return to work date. Furloughed personnel

returning to work will be treated as though they were absent from work and will retain their paid leave accruals (including the rates of accrual), time in service, and rate of compensation. They may, however, be assigned to different jobs for which they are qualified, dependent upon budgetary constraints.

- 2.) Furloughed employees not reporting to work within seven (7) calendar days following delivery of an official call back notification may be terminated with no payout of vacation or sick leave accruals.

The above Administrative Rule is hereby established and adopted in accordance with the Human Resources Manual of the City of Branson, Missouri.

Stanley E. Dobbins, City Administrator

Date