

414 - COMMUNICABLE DISEASE EMERGENCY

**Section 414.01
Scope** This policy applies to all employees and Department Heads who report to the Commissioners Court. In the event of a Communicable Disease Emergency, it may become necessary to implement the following policies.

**Section 414.02
Purpose** The purpose of this policy is to provide guidance for preparation, prevention and response to a Communicable Disease Emergency.

**Section 414.03
Policy** This policy will be in effect at such time as the County Judge, in accordance with the Emergency Operations Plan (EOP) and under the authority of Chapter 418 of the Texas Government Code (TCG) declares a local state of disaster, or at such time as the Local Health Authority, under the authority of Chapter 81 of the Texas Health and Safety Code, determines that there is an imminent Communicable Disease Emergency warranting preparatory or response actions.

**Section 414.04
Glossary** **Communicable Disease Emergency:** The emergence of a natural or engineered biological agent that causes serious illness in large numbers of people and/or can be easily spread from person to person, leading to extreme rates of morbidity and/or mortality.

Mandatory Protective Closure: Closure of a County office or department or suspension or limitation of services ordered for the purposes of reducing person to person contact to prevent the spread of a communicable disease.

Mandatory Protective Leave: A period of leave from employment, with or without pay, that becomes necessary when a department is under Mandatory Protective Closure.

See Policy 413: Emergency Operations Personnel and Pay Procedures for definition of the following terms.

**Emergency Operations Center
Emergency Operations Plan
Essential and Non-Essential Employees**

**Section 414.05
Health and Human
Services
Department
Responsibilities**

The Health and Human Services Department is responsible for the following:

1. Acting in accordance with Chapter 81 of the Texas Health and Safety Code
2. Monitoring progress of the communicable disease
3. Determining appropriate infection control measures to be implemented
4. Coordinating the implementation of appropriate preventative and post-exposure control measures
5. Providing current information for dissemination to employees regarding the nature of the disease, situational awareness, and personal protective measures
6. Maintaining communication with TDSHS, hospitals, and other local partners to ensure coordination of response efforts
7. Reviewing CDC and TDSHS guidance and updating response efforts as needed

**Section 414.06
Office of Emergency
Management
Responsibilities**

The Office of Emergency Management will provide assistance to departments in planning and coordinating the activities for the preparation and initial service phases to ensure consistency with the Emergency Operations Plan.

**Section 414.07
Human Resources
Department
Responsibilities**

The Human Resources Department is responsible for the following:

1. Must provide general information about this policy to all new employees during orientation
2. Must assist in disseminating policies, procedures and information on this topic to employees as they become available
3. Must maintain signed originals of the Emergency Preparedness and Employee Classification Form, the Emergency Operations Personnel Waiver Request Form, and the Temporary Reassignment Request Form

**Section 414.08
Supervisor
Responsibilities**

Supervisors are responsible for the following:

1. Must ensure employees have access to, and are aware of how to access, current County policies and information related to a Communicable Disease Emergency
2. Must assist in the consistent and fair application and implementation of this policy
3. Must document and recommend disciplinary action resulting from any violations of this policy
4. Must stay abreast of the situation by monitoring

radio/television/internet for instructions

**Section 414.09
Employee
Responsibilities**

Employees are responsible for the following:

1. Must know his or her responsibility under this policy, and any subsequent policies issued for this topic. Compliance with approved policies is mandatory.
2. Must remain in contact with their supervisor regarding assignments, reassignments, leave and return to duty information or call a designated hotline for information and instructions
3. Must stay abreast of the situation by monitoring radio/television/internet for instructions.
4. Must comply with the provisions of Policy 413: Emergency Operations Personnel and Pay Procedures as it relates to this policy.

**Section 414.10
Information and
Guidance**

In the event of a Communicable Disease Emergency, the County will take measures to protect the health and safety of employees and the public by following the most current guidance available from the Centers for Disease Control and Prevention (CDC). Information sheets containing the signs and symptoms of the specific disease/condition, and the recommended preventative measures and treatments, will be provided to employees as they become available.

**Section 414.11
Preventive
Measures**

In the event of a Communicable Disease Emergency, the County Judge or his/her designee may implement policies, procedures and mandates as deemed necessary by the local health authority, to prevent the spread of disease, protect the health and safety of employees and the public, and ensure the essential services of the County can continue. Necessary policies may include, but are not limited to, the following:

- Screening employees for signs of illness
- Providing immunization and treatment
- Implementing quarantine measures
- Mandating social distancing measures such as avoiding meetings and face-to-face contact, telecommuting where practical, staggering shifts, suspending services and/or closing offices.

Approved policies and procedures will be posted on the internet, distributed through email and posted in each department. Employees who violate approved policies and endanger the health and safety of themselves, other employees or the public will be subject to discipline, up to and including termination.

**Section 414.12
Sick Leave/FMLA**

During a Communicable Disease Emergency, employees who are ill, exhibit symptoms of illness, have sick family members, or have been exposed to the communicable disease, will be encouraged, and may be required, to remain at home.

Employees must follow department guidelines for notifying supervisors of absence due to illness. Employees who act in good faith in utilizing sick leave, will not be penalized for staying home for personal illness or to care for sick family members. Sick leave or other accrued leave will be deducted from an employee's current accrued balance. If all paid leave balances are exhausted, employees may be placed on Leave Without Pay.

To the extent that employees may be eligible for protected leave under the requirements of the Family Medical Leave Act, the County shall follow all state and federal guidelines for providing such leave. See Policy 704: Family and Medical Leave Act of 1993.

**Section 414.13
Mandatory
Protective Leave**

In the event of a Communicable Disease Emergency, or other declared emergency situation where social distancing or quarantine is warranted, the County Judge or his/her designee may order the Mandatory Protective Closure of some or all County offices for any duration deemed necessary to ensure the safety of employees and the public. Any or all non-essential employees in the affected departments may be placed on Mandatory Protective Leave (MPL), and the following sections of this policy shall apply.

**Section 414.14
Mandatory
Protective Leave
Pay Policy**

All active, full-time employees who have been continuously employed with the County for 90 days or more and are placed on MPL will receive compensation for up to two weeks or one full pay period. If the MPL extends beyond two weeks or one full pay period, employees will be required to utilize any accrued leave balances, including sick, vacation, compensatory and deferred leave.

**Section 414.15
Leave Without Pay**

If an employee exhausts all accrued leave and their department is still under Mandatory Protective Closure, employees will be placed on Mandatory Protective Leave/ Leave Without Pay (MPL/LWOP). During MPL/LWOP, employees will not accrue vacation or sick leave benefits. The period of MPL/LWOP will be treated as continued service for purposes of longevity and vesting.

**Section 414.16
Retirement**

Employees who are enrolled in the County’s retirement plan (TCDRS) will continue to receive service credit in TCDRS during MPL/LWOP

Employees who are eligible to retire, or meet the eligibility requirements during Mandatory Protective Leave, may apply for retirement and receive their retirement benefits. Persons retiring from Fort Bend County are not eligible for rehire with the County except under certain guidelines. See Section 510, Retirement.

Remember, TCDRS does not allow for partial or lump sum withdrawals from the system unless a person terminates employment with the County.

**Section 414.17
Essential/Non-Essential Personnel**

In the event of a declared emergency due to a Communicable Disease Emergency, any County employee may be deemed Essential in order to provide for the safety and well being of the general public or to provide critical services to the public. The County will adhere to the provisions of Section 413.05, 413.06 and 413.07 of the Emergency Operations Personnel and Pay Procedures Policy to define and identify Essential and Non-Essential personnel.

In a Communicable Disease Emergency, additional staff may be needed in areas such as Health and Human Services, Emergency Operations Center, Social Services, etc. Essential personnel may be assigned to perform duties, for their department or another County department, other than those currently within the scope of their job description in order to provide essential services to the citizens of Fort Bend County.

**Section 414.18
Temporary Reassignment During Mandatory Protective Closure**

Employees who are not deemed essential may be eligible to work within other County departments if their department is closed under Mandatory Protective Closure. Non-essential employees who would like to be considered for reassignment should complete the attached form, “Temporary Reassignment Request Form.” Such reassignment is voluntary and non-

compulsory for non-essential employees. Employees should consider their own personal and family safety prior to volunteering for reassignment. The County will take measures to provide a safe and sanitary work environment for all employees who work during a declared emergency to the extent possible and in accordance with available guidance from CDC at the time of the emergency.

**Section 414.19
Pay Provisions**

Reassigned employees will continue to receive the same compensation they were entitled to at the time of the mandatory closure. Sections 413.10 and 413.11 of the Emergency Operations Personnel and Pay Procedures policy shall apply.

**Section 414.20
Medical/County
Dental Benefits**

In the event of Mandatory Protective Leave/Leave Without Pay, employees will continue to be eligible for County medical and dental benefits. The County shall continue to pay the County portion of such benefits.

An employee will continue to be responsible for payment of all individual and dependent premiums for medical and dental benefits when accrued leave balances are exhausted and an employee is placed on MPL/LWOP. The County may advance the individual and/or dependent premium contribution and accrue the premium to be paid upon the employee's return to duty in accordance with Risk Management procedures and/or Commissioners Court actions.

**Section 414.21
Employee Life
Insurance**

In the event of a mandatory closure, the County funded life insurance coverage will continue for up to twelve (12) months for employees on MPL/LWOP. The 12 months may be continuous or broken.

**Section 414.22
Optional Benefits**

In the event of a mandatory closure, employees will be solely responsible for payment of any premiums for optional benefits. The County will not advance payment of these premiums to employees. Non-payment of these premiums will result in termination of benefits.

**Section 414.23
Termination of
Benefits**

Should an employee terminate their employment with the County for any reason during a Mandatory Protective Leave, all County benefits will automatically terminate. Any payment of premiums that has been advanced during this time period will become immediately payable to the County at the time of termination.

Persons retiring from the County during Mandatory Protective Closure should contact Risk Management for continuation of benefits in accordance with Section 511, Retiree Benefits. The County will cease to advance payment of premiums to employees who retire during a Mandatory Protective Closure and all advanced amounts will become immediately payable to the County.

The County shall abide by all provisions of HIPAA and COBRA for all employees who terminate employment from the County.

**Section 414.24
Non-Mandatory
Leave**

During Mandatory Protective Closure, there may be employees who are already on leave, or are placed on leave, in the same time period. This leave includes, but is not limited to, workers' compensation leave, administrative leave, military leave, FMLA, sick leave and bereavement leave. Employees on any leave not designated as MPL, will be subject to the County Leave Policy as cited in Section 700, Leaves and Absences, et seq.

**Section 414.25
Return to Duty**

At such time as an order of Mandatory Protective Closure is lifted under the authority of the County Judge, or his/her designee, the provisions of Mandatory Protective Leave will be rescinded. Employees should remain in contact with their supervisor and/or call a designated hotline for return to duty information. Failure to return to duty at the specified time may result in disciplinary action up to and including termination.

Employees returning to duty from MPL will not be required to undergo drug or alcohol testing, except as required by the Department of Transportation for some employees. Please see Policy 301: Drug and Alcohol Detection and Deterrence.

**Section 414.26
Employment at Will**

Texas is an "Employment At-Will" state, and nothing in this policy shall be construed to limit an employee's at-will status. Employees shall retain the right to terminate employment at any time. Fort Bend County retains the right to terminate your employment at any time, with or without notice, for any legal

reason or no reason. The County also retains the right to change any terms, conditions, benefits, or privileges of employment at any time without notice. No employment contract, either expressed or implied, shall exist between the County and any employee for any duration, either specified or non-specified.

Policy Approved and Adopted by
Fort Bend County Commissioners Court
Approved: February 6, 2007