

# Village of Westhampton Beach Emergency Operation Plan

## Background:

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On September 7, 2020, Governor Cuomo signed legislation requiring all public employers to create and publish operation plans in the event the Governor declares a public health emergency involving a communicable disease. The new law, section 27-c of the New York State Labor Law, specifically focuses on essential public employees and protocols for protecting the workforce. The plan will be submitted to the Village's duly recognized unions for review and comment.

- *This plan is activated only in the event of a public health emergency and order from the Governor.*

A copy of this plan will be published in a clear and conspicuous location and available to all employees.

The health and safety of our employees and contractors is crucial to maintaining our essential operations. We encourage all employees to familiarize themselves with the fundamentals for reducing the spread of infection: wear a mask, regularly wash hands with soap and water, use hand sanitizer when hand washing is not possible, practice social distancing when possible, do not report to work if experiencing symptoms, regularly clean and disinfect workstations.

## Anti-Retaliation:

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The Village will not take retaliatory action or otherwise discriminate against any employee for making recommendations regarding the content of this operation plan. Should an employee wish to make a recommendation or suggestion, he or she may do so to a department head or the Village Clerk, who has been designated by the Village as responsible for ensuring that the protocols set forth herein are consistent with New York State Labor Law § 27-c.

Additionally, nothing in this policy shall be deemed to impede, infringe, diminish or impair the rights of the Village under any law, rule, regulation or collectively negotiated contract, or the rights and benefits available to employees through existing collective bargaining agreements or the collective bargaining relationship with the Village.

**Plan:**

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The Village's operation plan is set forth in seven (7) sections. The Village reserves the right to revise and/or amend this plan.

- Section 1 is a list of the Village's "Essential" employees.<sup>1</sup> Employees who are designated essential are those who are required to be physically present at a work site to perform his or her job. The Essential list also includes a description of positions and a justification for the designation.
- Section 2 provides a description of the protocols that will be followed in order to enable all non-essential employees to telecommute. It is important to note that the term "nonessential" as used herein is unique to the Operation Plan. Generally, the Village considers all of employees "essential" and that in-person work is an essential function of all Village positions.
- Section 3 provides a description of how the Village will, to the extent possible, stagger work shifts for essential employees so as to reduce overcrowding on public transit and at worksites. As part of this plan, the Village will review the applicable collective bargaining agreements and other obligations, if any.
- Section 4 provides a description of the Village's plan to procure the appropriate personal protective equipment ("PPE") for essential employees. This plan contemplates providing at least two pieces of necessary PPE to each essential employee per shift over an extended period and a storage protocol for such PPE.
- Section 5 is the Village's protocol in the event an employee is exposed to a known communicable disease, exhibits symptoms, or tests positive for such disease in the workplace. The protocol includes detailed disinfection plans, as well as the Village's policy regarding leave for employees for testing, treatment, isolation and quarantine related to the communicable disease.
- Section 6 is the Village's contact tracing protocol for essential employees. This plan documents the precise hours of work and locations for the sole purpose of tracking the disease and identifying those who may be exposed to an infected individual.
- Section 7 is the Village's protocol to work with other local government to identify emergency housing for essential employees for the purpose of containing the spread of the communicable disease, to the extent applicable to the workplace.

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<sup>1</sup> In addition to employees, this policy also applies to contract workers and volunteers. Such designation shall not otherwise confer the rights, benefits and obligations of employment upon contractors or volunteers.

**Section 1: Essential Employees**

Employees who are designated essential are those who are required to be physically present at a work site to perform his or her job. The Essential list also includes a description of positions and a justification for the designation.

<b>Departments</b>	<b>Essential Positions/Titles</b>	<b>Justification for Each</b>
Public Safety	<ul style="list-style-type: none"> <li>• Police Chief</li> <li>• Sergeant</li> <li>• Detectives</li> <li>• Patrol</li> <li>• TCO'S</li> <li>• Radio Dispatchers</li> </ul>	Police Department personnel responsible for enforcing state and local laws and providing emergency response and assistance; dispatching ambulance and other emergency vehicles as required; enforcing parking regulations, and vehicle and traffic laws.
Department of Public Works	<ul style="list-style-type: none"> <li>• Superintendent</li> <li>• Foremen</li> <li>• All Crew</li> <li>• Laborers</li> </ul>	Department of Public Works personnel are responsible for clearing roads during/after storms to ensure safety, maintaining roads, traffic signs, signals and lights, and collecting garbage throughout the Village. Superintendent and Foremen direct the crew and laborers
Building Department	<ul style="list-style-type: none"> <li>• Building Inspector</li> <li>• Code Enforcement Officer</li> <li>• Fire Marshal</li> <li>• Building Permit Examiner</li> <li>• Building Permit Coordinator</li> </ul>	Necessary to certify construction projects, process building applications and support for the Planning, Zoning and Architectural Review Boards and ensure compliance with Village/building codes.

Clerk's Office	<ul style="list-style-type: none"> <li>• Clerk-Treasurer</li> <li>• Deputy Treasurer</li> <li>• Village Tax Receiver</li> <li>• Secretary to Mayor</li> </ul>	Processes payroll, accounts payable and collects real property taxes, support for the Board of Trustees, mail collection, banking.
Justice Court*	<ul style="list-style-type: none"> <li>• Village Justice</li> <li>• Associate Justice</li> <li>• Court Clerk                             <ol style="list-style-type: none"> <li>1. Full-time</li> <li>2. Part-time</li> </ol> </li> </ul>	Oversee daily operation of Justice Court and administration of justice within the Village. Provides legally mandated court and justice services.

\* It is important to note that Justice Court is a vital component of Village government. However, we recognize that the New York State Office of Court Administration oversees Justice Courts and, as such, may issue orders which suspend or alter the hours of operation or means by which Justice Courts operate. Accordingly, the Village Clerk will coordinate as necessary with Village Justice to ensure safe and effective continuity of Justice Court.

**Section 2: Telecommuting for Non-Essential Employees**

When safety considerations require, certain employees may be able to perform their work remotely. These positions are referred to herein as “non-essential.” The business of government, however, is by definition essential. The Village is committed to providing services to the fullest extent possible at all times. The Village’s employees all directly support necessary government functions. Generally, the Village considers all employees “essential” and in-person work an essential function of all Village positions. The term “non-essential” as used herein, therefore, is unique to the Operation Plan.

The Village of Westhampton Beach has and continues to position its technology infrastructure to facilitate telecommuting. The Village has deployed software to allow every office employee remote access to the Village's email system.

Each Department Head will be tasked with ensuring that its remote personnel have all necessary telework capabilities. Department Heads will also itemize job duties/tasks that must be performed remotely during workplace closure or staggered shifts.

**Section 3: Staggered Work Schedules**

In order to reduce overcrowding on public transportation systems and at worksites, the Village may stagger work shifts for essential employees. Such plans will depend on several factors, including the season/time of year and the needs of the community. With non-essential employees working from home, Village Hall will have limited employees on site. Additionally, first responders and public works employees will likely not require staggered shifts because much of their work is performed outdoors and/or socially distanced.

In the event in-person work is limited as a result of a public health emergency, the Village will comply with all requirements of related Executive Orders. Employees who are enabled to work remotely may be required to perform in-person work on a staggered basis at Village Hall or other Village work sites for the purpose of performing essential on-site tasks, such as mail collection and banking.

#### **Section 4: Personal Protective Equipment (“PPE”)**

The Village has procured a supply of PPE for its essential employees in a quantity sufficient to provide PPE to each essential employee during any given work shift. Specifically, the Village has masks, gloves and hand sanitizer available for all employees reporting for in-person work. The Village will also maintain a supply of recommended cleaning solutions for use as needed in Village buildings and vehicles.

PPE Storage: Supply closets at each Village building will continue to be used for PPE supply storage and can accommodate an ample supply of PPE materials including face masks and nitrile gloves. The closets are a clean, secure, indoor, atmospherically controlled environment and accessible location with lockable doors or cages.

The Village Clerk’s office will be responsible for procurement of PPE, with assistance from Department Heads. The Village will use its PPE supply and then, as needed, utilize other viable commercial vendors to meet the Village’s needs.

#### **Section 5: Exposure to Communicable Disease**

While this plan intends to provide certain guidance/protocols in the event an employee is exposed to a communicable disease, the Village will, at all times, follow existing federal, state and local guidance, including guidance related to communicable disease, testing and vaccinations. Accordingly, the protocol set forth below is subject to change.

The Village will also comply with all federal and state laws regarding paid time off related to public health emergencies. Additional leave may be available to employees in accordance with applicable collective bargaining agreements, and federal and state employment laws and regulations, including but not limited to the Family and Medical Leave Act and Executive Orders.

If employees are exposed to a known case of communicable disease that is the subject of the public health emergency (defined as a ‘close contact’ with someone who is confirmed infected, which is a prolonged presence within six feet with that person):

- A. Exposed employees who are under quarantine order from the State and who do not have symptoms should seek testing, remain at home or in a comparable setting, and practice social distancing in accordance with current applicable public health guidance for the communicable disease in question.
  - i. As possible, these employees will be permitted to work remotely during this period of time if they are not ill.
  - ii. The Village Clerk and Department Head must be notified to ensure these

- protocols are followed.
- iii. Employees who have been vaccinated for the communicable disease, *e.g.*, COVID-19, may be exempt from quarantine requirements.
- B. Essential employees who are asymptomatic may be permitted to work following potential exposure, provided they comply with the following protocols:
- i. Regular monitoring: The employee must self-monitor for an elevated temperature and symptoms consistent with communicable disease.
  - ii. Wear a mask: The employee must wear a face mask at all times while in the workplace for 14 days after last exposure.
  - iii. Social distance: The employee must continue social distancing practices, including maintaining, at least, six feet of distance from others.
  - iv. Clean and disinfect workspaces: The Village must continue to regularly clean and disinfect all areas, such as offices, bathrooms, common areas, and shared electronic equipment.
  - v. Maintain quarantine: The employee must continue to self-quarantine and self-monitor for temperature and symptoms when not at the workplace for 14 days after last exposure.
- C. Employees who exhibit symptoms of the communicable disease that are the subject of the public health emergency:
- i. Employees who exhibit symptoms in the workplace should be immediately separated from other employees and visitors. They should immediately be sent home with a recommendation to contact their physician.
  - ii. Employees who exhibit symptoms outside of work should notify their supervisor and stay home, with a recommendation to contact their physician.
  - iii. Employees should not return to work until they have met the criteria to discontinue home isolation per public health guidance and consultation with a healthcare provider.
- D. If an employee has tested positive for the communicable disease that is the subject of the public health emergency:
- i. Areas occupied for prolonged periods of time by the subject employee or contractor will be closed off and cleaned and disinfected in accordance with public health guidance.
  - ii. Employee identity shall remain confidential except as needed for cleaning purposes or as directed by state or local health departments.
- E. Applicable public health guidelines will be followed for cleaning and disinfection of surfaces/areas. Present guidance for routine cleaning during a public health emergency includes:
- i. As possible, employees will clean their own workspaces in the beginning, middle, and end of their shifts, at a minimum.
    - High traffic/high touch areas and areas which are accessible to the public/constituents will be disinfected at least hourly.

- DPW is responsible for cleaning common areas as needed.
- ii. Staff tasked with cleaning and disinfecting areas will be issued and required to wear PPE appropriate to the task.
- iii. Soiled surfaces will be cleaned with soap and water before being disinfected.
- iv. Surfaces will be disinfected with products that meet EPA criteria for use against the virus in question and which are appropriate for that surface.
- v. Staff will follow instructions of cleaning products to ensure safe and effective use of the products.
- vi. Additional protocols for vehicles will be determined by the appropriate departments.
- vii. In accordance with federal and state health and safety laws and guidance, the Village will ensure that any employees engaged in cleaning and disinfecting activities will receive appropriate training for safe handling and use. Additionally, should cleaning and disinfecting protocols be modified and/or revised, the Village will conduct an appropriate hazard assessment and follow any and all federal, state and local guidance.

### **Section 6: Contact Tracing**

Each Department Head will maintain logs of their staff. The logs will document the employee's precise hours of work, including meal and break periods, for the sole purpose of tracking the disease and identifying those who may be exposed to an infected individual. Department Heads may maintain paper logs or, when possible, electronic logs.

Contract Tracing Forms will be used at every Village facility open to the public. Visitors will complete the log with their contact information, complete a health questionnaire and have their temperature taken. These logs will be maintained at each building and used to contact persons who may have had exposure to the communicable disease.

✦ Sample form attached

### **Section 7: Emergency Housing**

The Village anticipates that its essential employees will lodge at their own residences during emergency situations. Employees generally reside within Suffolk County and are generally not required to double shifts. Additionally, most employees commute to work by their own personal vehicles and, as a result, do not contribute to overcrowding on public transportation. That said, the Village is committed to working with our locality and with other employers, both public and private, to identify emergency housing for essential employees for the purpose of containing the spread of the communicable disease, to the extent applicable to the workplace.

The Village will coordinate with State and County emergency management to help identify and arrange for additional housing needs. If needed, the Village Clerk will be the Emergency Liaison responsible for executing emergency housing.