



Office of the Mayor-President

City of Baton Rouge
Parish of East Baton Rouge

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MELVIN L. "KIP" HOLDEN
Mayor-President

**CITY OF BATON ROUGE
PARISH OF EASTBATON ROUGE**

ADMINISTRATIVE REGULATION

TO: ALL DEPARTMENT HEADS
FROM: MAYOR-PRESIDENT MELVIN L."KIP"HOLDEN
SUBJECT: PANDEMIC INFLUENZA OUTBREAK: PREVENTION, MANAGEMENT, AND LEAVE
EFFECTIVE DATE: SEPTEMBER 1, 2009

OBJECTIVE:

The City of Baton Rouge – Parish of East Baton Rouge through the Mayor-President's Office shall activate and implement this Administrative Regulation to provide information on the prevention of exposure to and spreading of the pandemic influenza, the management of our workforce during a pandemic influenza outbreak, and the leave available to our employees who have been exposed to or diagnosed with pandemic influenza.

This policy is to be implemented into the Continuity of Operations Plans (COOP) required of all departments and agencies of the City-Parish.

The Human Resources Director is responsible for administering this policy.

All Department Heads are responsible for providing this policy to their designated essential personnel.

PREVENTION GUIDELINES:

The Center for Disease Control (CDC) has advised that work-place exposure to the flu is only significant if one has had close, face-to-face contact with the ill person in the 24 hours before they developed flu-like symptoms. It is important to take precautions against all types of flu and viruses by following the CDC's guidelines:

- Cover your nose and mouth with a tissue when you cough or sneeze. Throw the tissue away after you use it.
- Wash your hands often with soap and water, especially after you cough or sneeze. Alcohol-based hand cleaners are also effective.
- Avoid touching your eyes, nose or mouth. Germs spread that way.
- Try to avoid close contact with people who are sick.
- If diagnosed with any type of flu, stay home from work or school, if possible, and limit contact with others.

Important information:

- For most people who contract Influenza A and/or H1N1, the illness has been mild as compared to traditional seasonal flu.
- According to medical sources, influenza viruses are primarily spread through coughing or sneezing.
- A person may also become infected by touching something with the flu virus on it, then touching their mouth or nose, as studies have shown that influenza virus can survive for up to 2-8 hours on environmental surfaces, such as books, doorknobs, keyboards, phones and iPods'.

MANAGEMENT AND LEAVE GUIDELINES:

The City-Parish has established leave rules that can be utilized during the pandemic influenza outbreak. All Department Heads are urged to review those rules in their entirety. The applicable rules are included in this policy for quick reference.

In order to maintain continuity of operations during this time we are advising the following:

1. All employees should follow the most current prevention guidelines advised by the CDC and the World Health Organization (WHO).
2. An employee shall notify his/her Department Head or their designee immediately upon notification or knowledge that they have been exposed to or are experiencing symptoms of the pandemic influenza so that management can adequately prepare for potential workplace absences and/or the reallocation of work assignments.
3. If an employee reports to work and is experiencing symptoms of the illness he/she shall be promptly separated from other workers and be advised to go home and seek medical advice. The employee should not return to work until at least 24 hours after they are free of fever, or signs of fever, without the use of fever-reducing medications. Employees may use their accrued leave in accordance with Rule 9 of the Rules Governing Employees in the Classified Service.
4. Employees who are designated as essential employees by their Department Head may be allowed to telework while they are out of the workplace due to an exposure to or if they are experiencing symptoms of the pandemic influenza. Employees with this designation must be previously designated as essential employees by the Department Head and they must have the capability to telework in order to perform their job duties. (See attached Teleworking Provision)

5. Employees who are not designated as essential employees by their Department Head may utilize their own accrued leave in accordance with Rule 9 of the Rules Governing Employees in the Classified Service.
6. Teleworking is not to be utilized by employees who are either not designated as essential employees or who have been diagnosed with pandemic influenza. Employees diagnosed with pandemic influenza may utilize their own accrued leave in accordance with Rule 9 of the Rules Governing Employees in the Classified Service.
7. Department Heads may use flexible work schedules to accommodate employee work shortages and absences. The Department of Human Resources can provide a model and guidelines for implementing flexible work schedules.
8. In the event there is a declared Public Health Emergency with regard to pandemic influenza, Administrative Leave With Pay (Rule 9, Section 13) may be granted by the Mayor-President or his designated representative in situations where it is determined that it is in the best interest of the employee and the City-Parish that the employee be excused from reporting to work for reasons related to public health and safety issues.
9. Based on guidance from federal and state agencies, in the event of a nationally or locally declared Public Health Emergency our rules, regulations, and policies may be suspended in order to ensure the safety of our employees and the public. If this occurs, all Department Heads will be notified accordingly.

APPLICABLE RULES GOVERNING EMPLOYEES IN THE CLASSIFIED SERVICE:

RULE 9. HOURS OF WORK, VACATION TIME, AND LEAVES OF ABSENCE

Rule 9, Section 4 Sick Leave, allows an employee to use sick leave because of an employee's illness, injury, hospitalization, exposure to a contagious disease, or for a medical or dental appointment or because of an "immediate family" members illness, injury, hospitalization, exposure to a contagious disease, or for a medical or dental appointment.

Rule 9, Section 4.1 B. Verification, provides that the Appointing Authority shall require verification from an employee who uses sick leave in excess of five (5) consecutive days. It also states that if the Appointing Authority deems it necessary, the Appointing Authority may require verification for the use of sick leave at any time.

Rule 9, Section 4.1 C. Return to Work, provides that an Appointing Authority may require a release by a health care provider indicating that the employee is physically able to return to his or her duties if the Appointing Authority deems necessary.

Rule 9, Section 4.2 Unpaid Sick Leave, allows employees the additional use of leave if all accumulated sick leave is exhausted prior to the time a regular employee is able to return to work. The Human Resources Director may, after consultation with and approval of the appropriate Appointing Authority and upon the written request of an employee, grant the employee up to eight (8) weeks of unpaid sick leave within a calendar year, whenever such leave is considered to be in the best interest of the service. If an employee is eligible for FML, FML must be exhausted by the employee prior to requesting unpaid sick leave. This

provides employees with the ability to use their sick leave, FML, and unpaid sick to cover their absence and would be useful in the event of a pandemic illness.

Rule 9, Section 4.3 Exhaustion of Sick Leave, provides that an eligible employee may exhaust all sick leave prior to taking Family Medical Leave. This would allow employees the option of using FML or sick leave if the need arose.

Rule 9, Section 9 Family/Medical Leave provides eligible employees with the use of paid or unpaid FML.

Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, and headaches other than migraine are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. For FMLA, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or continuing treatment by a health care provider. Treatment does not include routine physical examinations. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

The current information regarding the flu does not indicate that flu cases will be deemed FMLA-qualifying but Federal guidelines are being reviewed on an ongoing basis and we will comply with those regulations.

Section 9.2 Exhaustion of Paid Leave, allows an eligible employee to apply for and exhaust all accumulated sick leave, vacation leave, or compensatory time prior to taking Family/Medical leave without pay under Section 9. If the employee elects to use paid leave while on Family/Medical leave, the employee must request paid leave on his or her proper request form. If FML is approved for pandemic influenza employees may refer to this rule for leave usage options.

Rule 9, Section 13 Administrative Leave With Pay, may be granted by the Mayor-President or his designated representative in situations where it is determined that it is in the best interest of the employee and the City-Parish that the employee be excused from reporting to work for reasons related to public health and safety issues, such as in the case of a natural disaster, emergency, or fortuitous event. This rule may be used in the event we are under a declared Public Health Emergency.

Based on guidance from federal and state agencies, in the event of a nationally or locally declared Public Health Emergency our rules, regulations, and policies may be suspended in order to ensure the safety of our employees and the public. If this occurs, all Department Heads will be notified accordingly.

TELEWORKING PROVISION:

PURPOSE:

The purpose of this provision is to allow City-Parish Department Heads to designate essential employees who may be allowed to work at alternate work locations in order to promote general work efficiencies when the employees have been exposed to pandemic influenza or need to be screened for pandemic influenza.

This provision is a management tool that provides flexibility in meeting customer and business needs through a work arrangement that allows employees to perform their usual job duties away from their primary work place in the event that they have been exposed to a pandemic influenza or need to be screened for pandemic influenza.

This provision can be used to allow or require an employee to work at home, someplace other than their regular office or in a different part of the parish (such as an office/facility where staff shortages are acute). Teleworking allows a Department Head to change an employee's work location.

This provision should:

- Assist management and employees to understand the Teleworking environment.
- Provide a general framework for the Teleworker.

DEFINITIONS:

Teleworking – A management tool that provides flexibility in meeting customer and business needs through a work arrangement that allows employees to perform their usual job duties away from their primary work place, in the event that they have been exposed to a Pandemic Disease and need to be screened for the illness. Teleworking is limited to two (2) work days or forty-eight (48) hours from the time of the reporting of the exposure by the employee to their supervisor or the detection of symptoms associated with the illness.

Teleworker – An employee who works away from his/her primary work location either at home or at another approved work location.

Work Schedule – The employee's approved work hours schedule regardless of the work location.

Primary Work Location – An employer's place of work where the employee is normally located.

Alternate Work Location – Approved work site, other than the employee's primary work location, where official City-Parish business is performed.

DESIGNATION AND ELIGIBILITY:

Department Heads are responsible for managing the affairs and operations of their Offices/Divisions; thus they will have discretion to;

- Designate employees/positions for Teleworking

Teleworking is a management option and not an employee option. Teleworking may not be suitable for all employees or for all positions. To be eligible to participate in Teleworking, an employee must have completed their working test period.

Department Heads, upon receiving this regulation, should designate those positions in their department that they deem essential for the continued operation of their department.

LIMITATIONS:

Teleworking will be limited to a maximum of two (2) work days or forty-eight (48) hours from the time of the reporting of the exposure by the employee to their supervisor or the detection of symptoms associated with the illness.

CONDITIONS OF EMPLOYMENT:

Teleworking does not change the conditions of employment or required compliance with City-Parish and departmental rules, procedures and policies. The employee will continue to comply with federal, state, and agency laws, policies, and regulations while working at the alternate work location.

COMPENSATION & BENEFITS:

An employee's compensation and benefits will not change as a result of Teleworking.

HOURS OF WORK:

The work hours of Teleworking employees will not change from their approved work hour schedule regardless of work location. Time sheets shall be completed upon the return of the teleworker, indicating "Teleworking" with the correct work times and leave usage if applicable. Management must ensure proper compliance and documentation of work hours.

FAIR LABOR STANDARDS ACT:

Teleworking is not intended to serve as a substitute for child or adult care or to perform other personal business during work hours.

OFFICE CLOSURES:

The teleworker shall have the same leave coding as employees at their primary location. Should circumstances arise whereby the teleworker cannot work at the alternate work location, i.e., loss of electricity, home emergencies, etc., the teleworker must contact his/her supervisor and he/she may be required to report to an alternate work location or applicable leave may be granted.

USE OF LEAVE:

Teleworking is not intended to be used in place of accrued leave, Family & Medical leave, or other types of leave. Requests to work overtime or to use sick, annual or other leave must be approved in advance by your immediate supervisor in the same manner, and in accordance with, the time and attendance procedures as when working at the primary work location.

ALTERNATE WORK LOCATION SAFETY:

The alternate work location must be safe and free from hazards and other dangers to the employee.

CITY-PARISH OWNED EQUIPMENT:

Prior approval must be received for the use of any City-Parish owned equipment. For authorized use/users, City-Parish owned equipment shall be used only for City-Parish purposes by authorized personnel. Employees are responsible for protecting City-Parish owned equipment from theft, damage and unauthorized use.

EMPLOYEE-OWNED EQUIPMENT:

When employees are authorized to use their own equipment, the City-Parish will not assume responsibility for cost of equipment, repair, or service.

COSTS ASSOCIATED WITH TELEWORKING:

The City-Parish is not obligated to assume responsibility for operating costs, home maintenance, or other costs incurred by employees in the use of their homes as Teleworking alternate work locations.

AGENCY INFORMATION/RECORDS:

Employees must safeguard department information used or accessed while Teleworking. All department records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the primary workplace.

ANTICIPATED QUESTIONS

Q: What if an employee appears for work exhibiting flu-like symptoms?

A: If an employee reports to work and is experiencing symptoms of the illness he/she shall be promptly separated from other workers and be advised to go home and seek medical advice. The employee should not return to work until at least 24 hours after they are free of fever, or signs of fever, without the use of fever-reducing medications. Employees may use their accrued leave in accordance with Rule 9 of the Rules Governing Employees in the Classified Service.

The City-Parish has recently amended its rules relative to leave and the rules as constructed provide for the use of different forms of leave that would aid employees who suffer from pandemic influenza, have been exposed to pandemic influenza, or are experiencing symptoms of pandemic influenza, including the use of FML if found to be applicable.

Further, Rule 9, Section 13, Administrative Leave With Pay, allows the Mayor-President or his designee in situations where it is determined that it is in the best interest of the employee and the City-Parish that the employee be excused from reporting to work for reasons related to public health and safety issues. This rule may be used in the event of a declared Public Health Emergency.

Q: What if an employee who is capable of working refuses to come to work for fear of being exposed?

A: A Department Head can order/direct an employee to do anything that is job-related as long as it is not illegal, immoral, unethical, or in dereliction of duty and may discipline an employee who does not comply.

Q: Can an employee who runs out of sick leave and cannot return to work be terminated?

A: Our rules provide employees with many leave options. An eligible employee who exhausts their sick leave may then utilize FML of up to 12 weeks and once they exhaust FML they may avail themselves of unpaid sick leave of up to 8 weeks. Discipline and/or termination is a last resort and specific guidelines have been incorporated in the rules to address this subject.

Q: What about FMLA?

A: Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, and headaches other than migraine are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. For FMLA, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or continuing treatment by a health care provider. Treatment does not include routine physical examinations. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider,

is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave. The current information regarding the flu does not indicate that flu cases will be deemed FMLA-qualifying but Federal guidelines are being reviewed on an ongoing basis and we will comply with those regulations.

Q: What about Department Heads?

A: Department Heads who are ill due to the pandemic influenza will follow their previously assigned succession plan.

Q: Can the Teleworking Provision in this regulation be used for other purposes?

A. No. The Teleworking Provision may only be used within the confines this Administrative Regulation.



**East Baton Rouge Parish
Mayor's Office of Homeland Security and
Emergency Preparedness**

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JOANNE H. MOREAU, CEM, LEM
Director



Recommendations for Infection Control of City-Parish Buildings and Personnel

Clean and disinfect hard surfaces

- Follow label instructions carefully when using disinfectants and cleaners.
 - Pay attention to any hazard warnings and instructions on the labels for using personal protective items (such as household gloves).
 - Do not mix disinfectants and cleaners unless the labels indicate it is safe to do so. Combining certain products (such as chlorine bleach and ammonia cleaners) can be harmful, resulting in serious injury or death.
- Keep hard surfaces like kitchen countertops, tabletops, desktops, and bathroom surfaces clean and disinfected.
 - Clean the surface with a commercial product that is both a detergent (cleans) and a disinfectant (kills germs). These products can be used when surfaces are not visibly dirty.
 - Another way to do this is to wash the surface with a general household cleaner (soap or detergent), rinse with water, and follow with a disinfectant. This method should be used for visibly dirty surfaces.
 - Use disinfectants on surfaces that are touched often. Clean the surface as explained above before using disinfectants.
 - If disinfectants are not available, use a chlorine bleach solution made by adding 1 tablespoon of bleach to a quart (4 cups) of water; use a cloth to apply this to surfaces and let stand for 3 – 5 minutes before rinsing with clean water. (For a larger supply of disinfectant, add ¼ cup of bleach to a gallon [16 cups] of water.)
 - Wear gloves to protect your hands when working with strong bleach solutions.
- Keep surfaces touched by more than one person clean and disinfected. Examples of these surfaces include doorknobs, refrigerator door handles, and microwaves.
 - Clean with a combination detergent and disinfectant product. Or use a cleaner first, rinse the surface thoroughly, and then follow with a disinfectant.
 - Use sanitizer cloths to wipe electronic items that are touched often, such as phones, computers, remote controls, and hand-held games.
 - Use sanitizer cloths to wipe car door handles, the steering wheel, and the gear shift.

Recommended waste disposal practices

- Toss tissues into waste baskets after they have been used for coughs, sneezes, and blowing your nose.
- Place waste baskets where they are easy to use.
- Avoid touching used tissues and other waste when emptying waste baskets.
- Clean your hands after emptying waste baskets.

Recommended laundry practices

- Gently gather soiled clothing, bedding, and linens without creating a lot of motion or fluffing; for example, do not shake sheets when removing them from the bed.
- Clean your hands after handling soiled laundry items.
- Use washing machine cycles, detergents, and laundry additives (like softener) as you normally do; follow label instructions for detergents and additives.
- Dry the cleaned laundry items as you normally do, selecting the dryer temperature for the types of fabrics in the load. Line- or air-drying can be used to dry items when machine drying is not indicated.
- Clean your hands before removing clean laundry from the washer or dryer, especially if you have coughed or sneezed on your hands.

Hygiene Recommendations for Personnel

- Cover your mouth and nose with a tissue when you cough, sneeze or blow your nose. If you do not have a tissue and need to cough or sneeze, cover your mouth and nose with your upper sleeve (not your hands).
- Clean your hands as soon as possible after coughing, sneezing, or blowing your nose. Clean your hands before eating. Clean your hands often when you or others are sick, especially if you touch your mouth, nose, and eyes.
 - Use soap and water and wash your hands for 15 - 20 seconds as described:
 - Place your hands together under water (warm, if possible)
 - Rub your hands together for at least 20 seconds (with soap, if possible)
 - Wash your hands thoroughly, including wrists, palms, back of hands, and under the fingernails.
 - Clean the dirt from under fingernails.
 - Rinse the soap from your hands.
 - Dry your hands completely with a clean towel, if possible (this helps remove the germs), however, if towels are not available it is okay to air dry your hands.
 - Pat your skin rather than rubbing to avoid chapping and cracking.
 - If you use a disposable towel, throw it in the trash.
 - Avoid touching contaminated light switches and doorknobs.
 - Carry alcohol-based hand wipes or alcohol-based (60-95% alcohol) hand-sanitizing gels with you to clean your hands when you are out in public.
 - Rub product on your hands until the liquid or gel dries.



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MELVIN L. "KIP" HOLDEN
Mayor-President

September 1, 2009

MEMORANDUM

TO: All Department Heads

FROM: Melvin L. "Kip" Holden
Mayor-President

RE: Continuity of Operations Plan (COOP)

As you are aware we have been working with the Department of Health and Hospitals (DHH) and the Office of Public Health (OPH) to monitor current events and community impacts resulting from the Pandemic Influenza Outbreak which is occurring globally.

Additionally, as we enter the seasonal flu season as well as the height of hurricane season it is critical that you maintain the most current and updated information in both your Continuity of Operations Plan (COOP) and Standard Operating Guidelines/Procedures. These departmental documents should reflect the personnel policies and procedures you have incorporated for continuity, lines of succession as well as relocation plans necessary to remain operational. At a minimum plans should include critical services and functions which your agency performs on a daily basis as well as the identification of how those functions will be maintained during times of emergency.

An electronic submission of your updated plans should be provided to the Mayor's Office of Homeland Security and Emergency Preparedness at oeep@brgov.com no later than Tuesday, September 15, 2009 for review to ensure it is acceptable and in compliance based on the critical functions your department provides both during normal operations and emergencies. Additionally, you will be provided with the newly developed Pandemic Disease Outbreak Policy for Management which should be incorporated into your departmental policies and procedures manuals and plans to ensure that the city-parish maintains the highest performance level possible not only during this healthcare crisis but any critical situation which may have serious impacts on our workforce and community.

The <http://www.flu.gov/plan/checklists.html> website has useful information that can be accessed as you incorporate pandemic influenza in your plans.

We appreciate your diligence in working on behalf of the citizens of East Baton Rouge Parish to make sure we are all Red Stick Ready for any potential emergency situation. Should you need any assistance or require additional information please feel free to contact MOHSEP at 389-2100.