

CM-EO 2020-01

**EXECUTIVE ORDER OF THE CITY MANAGER
PROVIDING FOR TEMPORARY PERSONNEL POLICIES
RELATED TO GOVERNOR'S DECLARATION OF EMERGENCY 20-52**

The following Executive Order was adopted by the City Manager of the City of Melbourne, Florida on the date written below.

WHEREAS, on March 9, Governor DeSantis issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida pursuant to Chapter 252 of Florida Statutes based upon substantial harm related to COVID-19 ("Governor EO 20-52"); and

WHEREAS, pursuant to Section 18-23 of Melbourne City Code, upon the Governor's said declaration of emergency, the city manager is authorized to order appropriate emergency measures as set forth in Section 18-26 of Melbourne City Code; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued guidance to address COVID-19 advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people, and in states with evidence of community spread, indoor and outdoor venues where groups of people congregate should be closed; and

NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY MANAGER OF THE CITY OF MELBOURNE, FLORIDA THIS 20th DAY OF MARCH, 2020:

SECTION 1: That based upon the authority given to me by Section 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby temporarily modify the personnel policies and procedures of the City of Melbourne to adopt of the *Travel-Based Self-Isolation Policy* during the Governor's declared state of emergency regarding COVID-19, as set forth in the attached Exhibit 1.

SECTION 2: That based upon the authority given to me by Section 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby temporarily modify the personnel policies and procedures of the City of Melbourne to adopt of the *Amendment to Sick Leave Policy* during the Governor's declared state of emergency regarding COVID-19, as set forth in the attached Exhibit 2.

SECTION 3: That based upon the authority given to me by Section 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby temporarily modify the personnel policies and procedures of the City of Melbourne to adopt of the *Child Care Policy* during the Governor's declared state of emergency regarding COVID-19, as set forth in the attached Exhibit 3.

SECTION 4: That based upon the authority given to me by Section 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby temporarily modify the personnel policies and procedures of the City of Melbourne to adopt of the *Telecommuting Policy* during the Governor's declared state of emergency regarding COVID-19, as set forth in the attached Exhibit 4.

SECTION 5. That this Executive Order shall take effect immediately upon adoption, and shall remain in effect for the duration of the Governor's Executive Order 20-52 unless this Executive Order of the City Manager is earlier revoked by the City of Melbourne.

BY: _____
Shannon M. Lewis
City Manager of the City of Melbourne

<p>Temporary Personnel Policy Travel-Based Self-Isolation Policy</p>	<p style="text-align: right;"><u>Authorization</u> Governor EO 20-52 Sec 18-26(4), City Code CM EO 2020-01</p>
--	---

Travel-Based Self-Isolation Policy during declared state of emergency regarding COVID-19:

Because the Centers for Disease Control and Prevention (CDC) Travel Advisories will change from time to time depending upon new information, employees travelling internationally, domestically or on any cruise ship shall notify their department director prior to departure.

In the interest of public safety and welfare:

An employee who has or will be travelling to a country designated by the CDC as **Level 3** shall not return to work until 14 days after returning to the United States.

- The employee should self-isolate and monitor his or her health.
- An employee with no symptoms after the 14-day period may return to work.
- If symptoms of illness occur during the 14-day period, the employee should call the Brevard County Health Department, health care provider and department director.
- An employee who is quarantined due to travel to a Level 3 designated location is permitted to use any combination of vacation, compensatory or sick accrued leave. Alternatively, if possible, the Department Director may assign work pursuant to the Telecommuting Policy.
- A physician’s statement will be required in order to return to work.

An employee who has or will be travelling to a country designated by the CDC as **Level 2, or on a cruise**, shall monitor his or her health and limit interactions with others for 14 days after returning to the United States.

- An employee with no symptoms is to social distance him or herself from other workers but may return to work.
- Upon return to work, the employee shall keep a log of any other individual(s) he or she has close contact with.
- If symptoms of illness occur during the 14-day period, the employee shall not return to work and must immediately self-isolate and call the Brevard County Health Department, health care provider and department director. A physician’s statement will be required in order to return to work.
- An employee who does not perform work during this period is permitted to use any combination of vacation, compensatory or sick accrued leave. Alternatively, if possible, the Department Director may assign work pursuant to the Telecommuting Policy.

As requested by Human Resources, the employee shall provide adequate documentation supporting applicability of this policy.

<p>Temporary Personnel Policy Amendment to Sick Leave Policy</p>	<p style="text-align: right;"><u>Authorization</u> Governor EO 20-52 Sec 18-26(4), City Code CM EO 2020-01</p>
---	--

Amendment to Sick Leave Policy during declared state of emergency regarding COVID-19:

In addition to the eligibility to exercise accrued sick leave set forth in the City’s current sick leave policy, an employee is eligible to utilize accrued sick leave during the declared state of emergency regarding COVID-19 provided the employee meets one of the following conditions:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID–19 or is caring for member of the employee’s household who is subject to such an order.
- (2) The employee has been advised by a physician to self-quarantine due to concerns related to COVID–19 or is caring for member of the employee’s household who has been so advised.
- (3) The employee is experiencing symptoms of COVID–19 and seeking a medical diagnosis.
- (4) The employee has been directed by the City to self-isolate pursuant to the Travel-Based Self-Isolation Policy during the declared state of emergency regarding COVID-19.

As requested by Human Resources, the employee shall provide adequate documentation supporting eligibility under this amended policy.

An employee who is sick (with other illnesses) should stay home and utilize leave as he or she typically would by following the City’s established sick leave policy.

The probationary employee shall be considered eligible to utilize accrued leave as a non-probationary employee in accordance with the City’s established sick leave policy, as amended during the declared state of emergency regarding COVID-19.

An employee who had a pre-scheduled vacation (as of the date of this modification) will be required to use vacation or compensatory leave if he or she takes the time off.

This modified policy temporarily amends the City’s current sick leave policy. This temporary modification is not intended to expand the City’s current application of the Family and Medical Leave Act.

<p>Temporary Personnel Policy Child Care Policy</p>	<p style="text-align: right;"><u>Authorization</u> Governor EO 20-52 Sec 18-26(4), City Code CM EO 2020-01</p>
---	---

Child Care Policy during declared state of emergency regarding COVID-19:

Based upon the needs of the Department, Department directors are authorized to allow employees the use of accrued leave (vacation, compensatory and sick leave) to care for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions, on the condition that the employee has first depleted all accrued vacation and compensatory leave.

Department directors are authorized to allow an employee to use accrued leave under this policy on the condition that the Department can provide continuity of services during the declared emergency regarding COVID-19 and that business operations of the Department are not substantially impacted. Using accrued leave for purposes of child care under this policy is used at the Department director’s discretion. Not all employees are eligible for using accrued leave under this policy and Department directors may decline a request to use accrued leave under this policy based upon the nature of the position, the needs of the department, or other appropriate considerations. Authorized use of leave under this policy shall be limited to a two-week period and may be renewed for subsequent two-week periods at the discretion of the Department director.

As requested by Human Resources, the employee shall provide adequate documentation supporting eligibility under this policy.

<p>Temporary Personnel Policy Telecommuting Policy</p>	<p style="text-align: right;"><u>Authorization</u> Governor EO 20-52 Sec 18-26(4), City Code CM EO 2020-01</p>
---	--

Telecommuting Policy during declared state of emergency regarding COVID-19:

At the discretion of the Department director, an employee may be eligible for telecommuting during the declared state of emergency regarding COVID-19 provided the use of telecommuting will work to the mutual benefit of employees, the City, the City’s customers and the health and safety of the community. Telecommuting is a work option used at the Department director’s discretion.

Department directors are authorized to allow employee telecommuting or alternative work schedule options, where feasible, for business continuity during the declared emergency regarding COVID-19. Not all employees are eligible for telecommuting and Department directors may decline telecommuting based upon the nature of the position, the employee eligibility, adequacy of an alternative worksite, lack of equipment, or other appropriate considerations.

Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Telecommuting employees must comply with all City rules, policies, practices and instructions. This includes the administrative rules on the use of city resources, information technologies, public records and worker’s compensation.

Telecommuting employees must report accurately all hours worked and are not authorized for over-time work. Work hours will be scheduled and any changes must be approved by the Department director in advance.

A telecommuting employee must perform work during their scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite, such as child, elder or other dependent care. Telecommuting employees may take care of personal business during paid breaks or unpaid lunch periods, as they would at the regular worksite. Telecommuting is not available to the extent the employee is utilizing sick leave, vacation leave or compensatory leave and an employee who is approved for such leave may not perform work except as authorized by this Telecommuting Policy, as set forth in the required written acknowledgement authorized by the Department director.

Employees must read the telecommuting policy, complete training as required and execute an appropriate acknowledgement through the Department director’s approval before telecommuting. The Department director may deny, end or modify the conditions of telecommuting at their sole discretion.