



1918 Historic Gorham Town Hall

Town of Gorham, NH

Town Manager's Office

20 Park Street, Gorham, NH 03581

603-466-3322

www.gorhamnh.org

TOWN OF GORHAM, NEW HAMPSHIRE

Emergency Policies Adopted in Response to the COVID-19 Global Health Pandemic

I. Background and Purpose

After being discovered in December 2019 an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) has impacted most countries around the world. On March 11, 2020 the World Health Organization declared COVID-19 a pandemic. On March 13, 2020 Governor Chris Sununu issued Executive Order 2020-04, which declared a State of Emergency in the State of New Hampshire effective 11:59 p.m. on Sunday March 15, 2020. Subsequently both the State and Federal governments have issued further executive orders and legislation, which this policy intends to document and customize to Gorham as applicable. On March 26, 2020, the Governor ordered an Emergency Stay-at-Home order, which order exempts local government from the Stay-At-Home order. It does however, urge exempt organizations to:

- Prohibit all gatherings with more than 10 individuals;
- Keep all personnel six feet apart;
- Encourage employees to stay home when sick, and send home those who report feeling ill or display symptoms; and
- Encourage all employers to continue their operations through remote means and telework when possible.

II. Authority

These policies are adopted by the Board of Selectmen in accordance with RSA 31:39 as it relates to the management of the Town's prudential affairs.

III. Effective Date

These policies are adopted effective April 1, 2020 (unless otherwise stated) and until rescinded.

IV. Definitions

- A. **Full time employees** are those assigned to a position that is expected to continue for an indefinite duration and works a shift schedule which would total no less than 2,080 hours per year (40 or more hours per week).

- B. **Part time employees** are those assigned to a position that is expected to continue for an indefinite duration and works a shift schedule which would total fewer than 2,080 hours per year (fewer than 40 hours per week).
- C. **Emergency Responders for the purpose of this policy** are defined as employees who may be excluded from paid sick leave or expanded family and medical leave by their employer under the FFCRA, an emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. In Gorham the current employees that meet this definition are: Town Manager, Finance Director, Fiscal Assistant for Payroll/Accounts Payable, Town Clerk/Tax Collector, and all employees of the following departments: Fire Department, Police Department, Department of Public Works, Sewer Department, and Solid Waste Department.

V. Policies

Emergency Sick Leave

The Emergency Paid Sick Leave Act (“Emergency Sick Leave”) was enacted on March 18, 2020. This act will go into effect on **April 1, 2020**, and will remain effective until December 31, 2020.

All eligible employees will receive up to two weeks of “COVID sick leave” based on their two-week hours worked effective April 1, 2020. Full-time salaried and hourly employees will receive 80 hours of COVID sick leave. Part time employees will be granted leave equivalent to their average hours worked in a two-week period (for example, if any employee works an average of 12 hours per week that employee will receive 24 hours of sick time). If a part-time employee’s normal hours scheduled are unknown, or if the part-time employee’s schedule varies, the Town will use a six-month average to calculate the average daily hours. COVID sick leave is available for immediate use, after April 1, 2020, and will not carry over from year to year; any unused COVID sick leave will expire at the end of 2020.

COVID sick leave may be used under the following circumstances:

- i. an employee subject to a state, federal or local isolation order related to COVID-19;
- ii. an employee who has been advised by a health care provider to self-quarantine related to COVID-19;
- iii. an employee who is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- iv. an employee caring for an individual subject to an order described in (i) or self-quarantine as described in (ii) above;
- v. an employee caring for a child whose school or place of care is closed, or the child care provider of the child is unavailable, due to COVID-19 related reasons; or

- vi. an employee who is experiencing any other substantially similar condition specified by Department of Health & Human Services (DHHS) in consultation with the Treasury and US Labor Departments.

If the employee's reason for leave is i-iii, above, the employee will receive 100% of their regular pay, with a cap of \$511 per day and \$5,110 in total.

If the employee's reason for leave is iv-vi, above, the employee will receive 2/3 of their regular pay, with a cap of \$200 daily and \$12,000 total. Employees may supplement this leave with other paid leave time.

Verification of the above will be required. Requests to use COVID sick leave should be submitted to the employee's supervisor in writing stating the reason. Denials may be appealed to the Town Manager.

Employees who encounter one of the circumstances above should use COVID sick leave prior to using other sick or vacation leave. Once COVID sick leave is exhausted, employees may use other accrued paid leave in accordance with Town policy as approved by their supervisor.

The Town may exempt employees who are healthcare workers and first responders from COVID-19 paid sick leave. Exempted employees are not eligible for COVID sick leave, unless approved in writing by the employee's supervisor and the Town Manager.

Emergency Family Leave (EFMLEA)

The Emergency Family and Medical Leave Expansion Act ("EFMLEA") was enacted on March 18, 2020. This act will go into effect on **April 1, 2020**, and will remain effective until December 31, 2020. The new federal act expands FMLA leave in response to the ongoing COVID-19 outbreak.

However, please note that current Department of Labor guidance states that "certain public sector employers" are covered by the expanded FMLA law. The Department of Labor has not yet specified which public sector employers are covered. The policy below is subject to Department of Labor confirmation that the Town is covered by the law.

The Town of Gorham will provide up to 12 weeks of EFMLEA leave for employees who have been working for the Town for at least 30 days and:

- Who are unable to work or telework because they have to care for a minor child if the child's school or place of childcare has been closed; or
- Who are unable to work or telework because their child care provider is unavailable due to circumstances related to COVID-19.

Requests to use COVID FMLA leave should be submitted to the employee's supervisor in writing stating the reason. Denials may be appealed to the Town Manager.

The first 10 days of leave shall be unpaid, unless COVID Sick Leave or other accrued paid leave is used concurrently. For subsequent days of leave after the first 10 days, the employee will receive a payment from the Town equal to at least two-thirds of their normal pay rate. For full time employees this will be two-thirds of their weekly base pay as of April 1, 2020. Part time employees will be paid based on two thirds of their average hours worked in a two-week period (for example, if any employee works an average of 12 hours per week at \$10.00 per hour, \$120 per week, that employee would be eligible for a payment of \$79.20). If a part-time employee's normal hours scheduled are unknown, or if the part-time employee's schedule varies, the Town will use a six-month average to calculate the average daily hours. The paid leave is capped at \$200 per day and \$10,000 in total.

The Town may exempt employees who are healthcare workers and first responders from EFMLEA. Exempted employees are not eligible for COVID sick leave, unless approved in writing by the employee's supervisor and the Town Manager.

Unemployment

In response to COVID-19, New Hampshire and the Federal Government are expanding unemployment benefits. If you experience a reduction in hours or otherwise lose work because of COVID-19 you should contact New Hampshire Employment Security at <http://www.nhes.nh.gov>, or by calling 603-271-7700.

Workers Compensation

Employees of the Town of Gorham may qualify for Workers Compensation as follows related to COVID-19:

- An employee who contracts COVID-19 through a known positive source as a result of employment will be covered for their resulting medical expenses and lost wages for both the prescribed quarantine and recovery periods.
- An employee who is required to quarantine following an actual or potential exposure to COVID-19 as a result of employment, but who does not contract the virus, will receive coverage for the cost of the prescribed testing and prophylaxis, and for the lost wages resulting from quarantine for a period of up to fourteen days. This coverage remains in effect during the Governor's State of Emergency and may be extended by Primex should conditions related to this pandemic warrant.

Employees who believe they qualify should alert their supervisor immediately, who should then contact the Finance Director who shall file the Workers Compensation claim with Primex, the Town's Workers Compensation Risk Pool.

This update responds to the economic hardship that precautionary quarantine may create for member public entities, their first responders and other employees. Wage replacement coverage during precautionary quarantine is extended with the understanding that quarantines should occur in alignment with medical, public health and/or professional standards. It does not include if you decide to quarantine yourself.

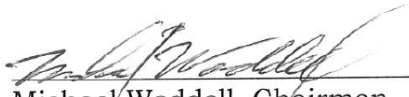
Short Term Disability

Employees who receive a positive test for COVID-19 may qualify for Short Term Disability insurance and should notify their supervisor immediately, who should contact the Director to begin the process of filing the Short-Term Disability claim. Short Term Disability will not cover the 14-day quarantine and there is a 30-day waiting period for all illnesses.

Finally, we understand that the Federal Government is in the process of enacting a Stimulus Bill that may provide additional unemployment benefits and other financial benefits to employees. We will be following that legislation.

Approved by:

Dated: March 31, 2020


Michael Waddell, Chairman


Judith LeBlanc


Adam White