



City of Memphis Temporary Coronavirus Leave and Travel Policy

PM-46-04

Section: 46-00, LEAVE WITH PAY

PURPOSE AND SCOPE

The City of Memphis is responding to the coronavirus (COVID-19) pandemic with rules and regulations that include providing temporary leave and travel provisions for all employees, reporting requirements, and leave under the Families First Coronavirus Response Act (FFCRA). This policy is necessary to promote employee and public health and safety, while also mitigating the City's operational impact because of the health emergency that has been declared.

This policy is effective immediately by proclamation of the Mayor, pursuant to his powers under City of Memphis Ordinances 9-8-4 and 2-58-7, and will remain in effect until further notice. This policy shall supersede any other policy, rule or regulation that may be inconsistent with it.

This policy, as amended, is effective April 12, 2020 – December 31, 2020.

POLICY STATEMENT

The City of Memphis will be following Centers for Disease Control and Prevention (CDC) and medical expert guidelines in determining its COVID-19 related policies. The City reserves the right to adapt its policies, at any time, based on new information or to support operational needs.

POLICY DEFINITIONS

- a) **Close Contact** – Approximately 6 feet (2 meters) or closer to a person with a confirmed diagnosis of COVID-19 for a prolonged period (more than a cumulative total of 15 minutes over a 24-hour period) starting from 2 days before illness onset (or, for asymptomatic patients, 2 days prior to test specimen collection) until the time the patient is isolated. Close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a person diagnosed with COVID-19 or direct contact with the secretions of a person diagnosed with COVID-19 (e.g., being coughed on).
- b) **High-exposure Risk** – Living in the same household as an intimate partner, or providing care in a non-healthcare setting (such as a home) for a person diagnosed with COVID-19, where you do not have access to or do not use recommended precautions for home care and home isolation, such as medical respirator masks. This category also includes individuals diagnosed with COVID-19 and those under investigation (testing,



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symptomatic, etc.) for COVID-19. Also, travel to high-risk locations is considered a high-exposure risk (see section 4).

- c) **Medium-exposure Risk** – Close contact with a person diagnosed with COVID-19; e.g., on an aircraft, in a car or other confined space that is within 6 feet (2 meters) of a person diagnosed with COVID-19; living in the same household as a person diagnosed with COVID-19; an intimate partner of a person diagnosed with COVID-19; or taking care of a person diagnosed with COVID-19 in a non-healthcare setting (such as a home) where you consistently utilize recommended precautions for home care and home isolation.
- d) **Low-exposure Risk** – In the same indoor environment (e.g., a classroom, a hospital waiting room) for a period of time and not in close contact with a person diagnosed with COVID-19 that is symptomatic or symptom-free. Interactions with someone diagnosed with COVID-19 that do not meet any of the high or medium conditions discussed above. For example, walking by a person or being briefly in the same room are considered low-exposure risks.
- e) **Quarantine** – When someone who might have been exposed to the virus is separated from others who are not infected.
- f) **Isolation** – Separation of someone who is infected with the virus away from people who are not infected.

1. **REPORTING REQUIREMENT**¹

As a public health precaution, if a City employee receives a diagnosis of COVID-19, or they are in close contact with someone who was diagnosed with COVID-19, they are **REQUIRED TO REPORT** this information to Human Resources.

This includes any employee who

- is positively diagnosed with COVID-19.
- has been in close contact with a person diagnosed with COVID-19.
- is living in the same household as a person diagnosed with COVID-19.
- is an intimate partner of a person diagnosed with COVID-19.

¹ The use of leave under this Section does not impact leave provided under the Families First Coronavirus Response Act (FFCRA). *Note: Police and Fire employees are excluded from return-to-work provisions in this policy and must follow departmental protocols. Police and Fire employees who are commissioned, in communications, or are EMS, PSTs or recruits are not eligible for FFCRA).*



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- is caring for a person who is diagnosed with COVID-19.

Employees who experience any of these situations must notify City of Memphis HR of their diagnosis or exposure by calling Benefits at 901-636-6800.

2. KEY CONSIDERATIONS

- a) Each City of Memphis employee plays a vital role in making our government run smoothly, efficiently and provide essential services. To ensure our government operates effectively every day, employees must report to work according to normal schedules if they are symptom-free, unless on approved leave.
- b) Employees who are exposed to COVID-19 in the workplace should use On-the-Job Injury procedures. (Page 12).
- c) The employee's confidentiality will be protected, and the specifics of the employee's health status will not be disclosed. Federally protected medical information will be safeguarded accordingly.
- d) Full-time and part-time City of Memphis employees who are diagnosed with COVID-19 may use this policy for themselves or for the following family members:
 - Parent/Stepparent/ Legal guardian
 - Child/Stepchild
 - Spouse/Partner
- e) Any City of Memphis employee who makes a false statement of material fact in connection with his or her job, including a misrepresentation or falsification of COVID-19 diagnosis or other illness will be in violation of policy PM 38-02 and may be subject to discipline, up to and including termination.

3. COVID-19 TESTING

A. HEALTH DEPARTMENT OR PHYSICIAN REQUEST EMPLOYEE TO TAKE A COVID-19 TEST

Any employee who is requested by the Shelby County Health Department or a medical professional to take a Covid-19 test will be required to self-quarantine and leave work while awaiting test results.



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Employees may use accrued and donated leave to cover time away from work (see below).
Employees should follow OJI procedure if it is a workplace exposure.

PROCEDURE

Employees must use regular city and departmental sick leave notification procedures to access leave benefits while awaiting test results.

- **If COVID-19 test is negative**, contact your supervisor to arrange returning to work. Employee must provide negative test results or medical clearance before they can return to work.
- **If COVID-19 test is positive**, please review **Section 9: General City of Memphis Employee Return to Work Strategy on Page 9** for return to work procedures.

B. VOLUNTARY COVID-19 TEST

Any employee who is symptom-free and volunteers to take a COVID-19 test will not be required to self-quarantine and **must come to work as scheduled** while awaiting test results.

Note: This does not apply to employees who have COVID-19 symptoms or who were in close contact with a person who tested positive for COVID-19. (Refer to page 9 for more information.)

PROCEDURE

- **If COVID-19 test is negative**, continue to report to work as normal.
- **If COVID-19 test is positive**, please review **“General Employee City of Memphis Return to Work Strategy” on page 9** for return to work procedures.

4. PAID TIME OFF FOR COVID-19 RELATED CIRCUMSTANCES

a) **FULL-TIME CITY OF MEMPHIS EMPLOYEES** who have high/medium exposure risk or are awaiting COVID-19 test results may use accrued and donated leaves to cover COVID-19 related time off based on eligibility in the following order:

- FFCRA Emergency Sick Leave (for eligibility, visit www.totalrewards.memphistn.gov)
- Sick Leave
- Donated Leave (for current sick leave bank participants)



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- Vacation and Bonus Leave
- Borrowed Sick Leave (the ability to borrow against future time - up to 80 hours for 8-hour employees and 96-144 hours for 24-hour employees)

PROCEDURE

Employees must use regular City and departmental sick leave notification procedures to access leave benefits. For more information, visit: <https://totalrewards.memphistn.gov/>.

b) PART-TIME EMPLOYEES WHO HAVE HIGH TO MEDIUM EXPOSURE RISK

FFCRA-eligible part-time employees who have high/medium exposure risk or who are awaiting test results may use FFCRA emergency sick leave to cover COVID-19 related time off.

PROCEDURE

Employees must use city notification procedures to access this benefit. For more information and eligibility requirements, visit: <https://totalrewards.memphistn.gov/>.

c) FULL-TIME CITY EMPLOYEES NOT ELIGIBLE FOR FFCRA WHO HAVE HIGH TO MEDIUM EXPOSURE RISK

An Employee may use accrued and donated leave based on eligibility in the following order:

- Sick leave
- Donated leave (for current sick leave bank participants)
- Vacation and bonus leave
- Borrowed sick leave (up to 80 hours for 8-hour employees and 96-144 hours for 24-hour employees)

PROCEDURE

Employees will need to use regular City and departmental sick leave notification procedures to access these benefits. For more information and eligibility requirements, visit: <https://totalrewards.memphistn.gov/>.



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d) PART-TIME EMPLOYEES NOT ELIGIBLE FOR FFCRA OR EXHAUSTED FFCRA BENEFITS WHO HAVE HIGH/MEDIUM EXPOSURE RISK OR ARE AWAITING TEST RESULTS

Employees in this circumstance will be paid for 14 days from the estimated last day of exposure. Payment will be based on the part-time employees' monthly average of hours worked at their full rate of pay.

PROCEDURE

Employees will need to use regular departmental leave notification procedures to access this benefit. For more information, visit: <https://totalrewards.memphistn.gov/>

e) WHEN IS AN EMPLOYEE REQUIRED TO REPORT TO WORK?

A City of Memphis employee **must to report to work** as scheduled in the following scenarios:

- The employee has not come into close contact with a person who tested positive for COVID-19.
- The employee has not tested positive for COVID-19.
- The employee participates in voluntary COVID-19 testing and is symptom-free.
- The employee is/was in the same indoor environment for a period of time with a person diagnosed with COVID-19, but the interaction does not meet the definition of close contact.
- The employee is/was in close contact with someone who is being tested for COVID-19, but has not been confirmed positive.

PROCEDURE

It is important and mandatory for employees who are not sick to report to work. Reporting to work may include your assigned work location, telecommuting, reassignment and other duties assigned by management. Any employee who is absent without authorization and/or notice to their designated supervisor will be in violation of policy PM 38-02 and subject to disciplinary action up to and including termination.



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5. SCHOOL CLOSURE

Eligible FFCRA full-time and part-time City of Memphis employees may access FFCRA **Emergency Paid Sick Leave** and **Emergency Paid Family and Medical Leave** if they are not eligible to work remotely and their son or daughter's school/childcare has been closed due to a health emergency. A statement of special circumstances is required for students between the ages of 14-17 for employees whose shifts are during the day.

PROCEDURE

Employees will need to use city notification procedures to access this benefit. For more information, visit: <https://totalrewards.memphistn.gov/>.

6. VACATION LEAVE

Vacation leave is subject to scheduling and approval by management in accordance with division work schedules, employee seniority, the employee preference, and applicable Memorandum of Understanding per PM 46-02. City employees may use carryover vacation until Dec. 31, 2020.

7. SAFER AT HOME ORDER

The City requires all city employees to comply with the City of Memphis Safer at Home Order. All City employees must wear face masks/coverings while in a City building and/or engaging in work with other individuals. Any employee not complying with the Safer at Home Order may be subject to discipline.

TRAVEL²

- **BUSINESS TRAVEL**

The City of Memphis has suspended all work-related business travel until further notice.

² Nothing in this section is intended to interfere with travel necessitated by military service or otherwise covered by the Uniformed Services Employment and Reemployment Rights Act. Police and fire employees should use their department protocols.



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- **PERSONAL TRAVEL AS OF JUNE 1, 2020**

The City of Memphis strongly discourages employees from nonessential personal travel since it increases your chances of getting and spreading COVID-19. It is recommended employees stay home as much as possible, especially if a trip is not essential. If you choose to travel, you are still required as a City of Memphis employee to wear a mask and practice social distancing. Also, do not travel if you are sick or travel with someone who is sick. ***NOTE: If you are traveling, please report your travel plans to HR and Division Director using the link below.***

- I. **International:** Any employee traveling to or through an area that is identified by the CDC with a [Level-3 travel health notice](#), international travel, or a cruise will be **required to remain out of the workplace for 14 days** from the day the individual returned to Memphis from travel regardless of displayed symptoms.

- II. **Domestic:** Travel within the United States is permitted; however, the City of Memphis and the CDC discourages non-essential travel because it increases your risk of exposure to COVID-19.

You are encouraged to review the interactive graphic below to help you determine the risk associated with any travel plans you have. The size of each red area indicates the severity of the outbreak.

U.S. Covid-19: <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>

For travel guidance, visit: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html>

PROCEDURE

Travel of any kind requires notification to your Division Director and the HR department before or after your trip using this form: <https://fs29.formsite.com/CityofMemphis/selfreporttravel/index.html>.

Upon return from a **Level-3 notice location, cruise, or international travel** listed above, take the following actions:



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- Do not return to work. Once you return home to Memphis, contact your Division Director or their designee. You may be requested to self-quarantine for 14 days from your day of return. You may be asked to work from home or take leave during this time.
- If you have symptoms (e.g. fever, cough, shortness of breath), contact your primary care physician immediately to get guidance on your next steps. Do not return to work. The employee must remain out of the workplace until they receive medical clearance to return to work.
- If you traveled and have no symptoms, please monitor your health.
- You can apply for FFCRA **Emergency Paid Sick Leave** and **Emergency Paid Family and Medical Leave** to cover your days off.

Upon return from **domestic travel**, take the following actions:

- Contact your manager/supervisor or their designee. Return to work as scheduled. When you return to work, upon entering a City building, your temperature will be taken and you will be asked health screening questions.
- If you have symptoms (e.g. fever, cough, shortness of breath), immediately contact your primary care physician for guidance on your next steps. Do not return to work. You must stay out of the workplace until you receive medical clearance to return to work.
- If you traveled and have no symptoms, please monitor your health.



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8. GENERAL CITY OF MEMPHIS EMPLOYEE RETURN TO WORK STRATEGY

The City of Memphis is using a ***symptom-based strategy*** for employees with COVID-19 symptoms and a ***time-based strategy*** for employees without symptoms.

Note: Police and fire employees should use their department protocols

Situation	Exposure Level	Employee Symptoms	Workplace Plan	What is needed to return to work?
#1	No close contact with a person who has been tested positive for COVID-19 or with an employee who traveled domestically	No symptoms	No quarantine needed; COVID-19 test is not required.	Employee can return to work. If employee takes COVID-19 test they can return to work while awaiting test results.
#2	Employee traveled internationally or took a cruise	No symptoms	Employee will be required to remain out of the workplace for 14 days once they return to Memphis.	The employee can return after 14 days. No medical clearance is required if employee has been symptom-free during the 14 days.
#3	No Close-contact with Covid-19 confirmed positive or Employee travelled internationally/cruise or domestically	Symptomatic (Flu-like symptoms)	The employee will be required to remain out of the workplace until all of the following criteria have been met: -10 days have passed since symptoms first appeared -24 hours have passed with no fever without the use of fever-reducing medications -Symptoms have improved	The employee can return after 10 days are completed. Medical clearance required. Preferably dated 3 days or less prior to return to work. and symptoms have improved.
#4	Close-contact (less than 6 ft for a total of 15 minutes or more over a 24-hour period) with confirmed Covid-19 positive	No symptoms	Employee will be required to remain out of the workplace for 14 days since estimated last date of contact. An employee who has had COVID-19 within the past 3 months is not required to remain out of the workplace as long as he or she has recovered and remains without COVID-19 symptoms.	The employee can return after 14 days are completed. Medical clearance required. Preferably dated 3 days or less prior to return to work and symptoms have improved.



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#5	Confirmed Covid-19 positive	No symptoms	Employee will be required to remain out of the workplace until 10 days have passed since his or her positive test.	The employee can return after 10 days are completed. Medical clearance required. Preferably dated 3 days or less prior to return to work and symptoms have improved.
		Symptomatic (Flu-like symptoms)	- The employee will be required to remain out of the workplace until all of the following criteria have been met: -10 days have passed since symptoms first appeared -24 hours have passed with no fever without the use of fever-reducing medications -Symptoms have improved	

9. GENERAL EMPLOYEE RETURN TO WORK— MEDICAL CLEARANCE

- Under the Americans with Disabilities Act, employers are permitted to require a healthcare provider’s note to verify that employees are healthy and able to return to work.
- Employees will be asked to provide medical clearance to their supervisor or division designee based on division protocols.

One of the following will qualify as medical clearance:

- Negative COVID-19 test result
- Release from Shelby County Health Department
- Return to work note from healthcare provider
- City Employee Wellness Clinic COVID-19 Form

10. GENERAL EMPLOYEE RETURN TO WORK – NO SYMPTOMS/TRAVEL RELATED QUARANTINE

- **If an employee has traveled** to or through an area that is identified by the CDC with a Level-3 travel health notice, international travel, or a cruise, the employee will be requested to self-quarantine and remain out of the workplace for 14 days. The employee may return to work after



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14 days if no symptoms were displayed during the 14 days. Medical documentation is not required if the employee remained symptom-free the entire 14 days.

- **If the employee begins to develop symptoms of COVID-19** (fever, cough, shortness of breath, etc.) during travel-related quarantine, the employee must immediately contact their healthcare provider to get guidance on next steps. As a public health precaution, the employee is required to notify City of Memphis HR by calling benefits at 901-636-6800. The employee must remain out of the workplace until their symptoms resolve for at least 72 hours without the use of fever-reducing medications and has improvement in respiratory symptoms (e.g., cough, shortness of breath) and will need to provide medical clearance preferably dated three days or less prior to return to work date.

11. GENERAL EMPLOYEE RETURN TO WORK – COVID CONFIRMATION

If an employee who has been diagnosed with COVID-19 or is under investigation for COVID-19, or has been exposed to a person diagnosed with COVID-19, the employee is required to notify City of Memphis HR of the diagnosis as a public health precaution by calling Benefits at 901-636-6800. The employee must immediately contact his/her healthcare provider to get guidance on next steps.

- The employee should immediately begin at-home isolation and the employee should follow guidance from the Public Health Department and their healthcare provider.
- The employee should also start identifying their close contacts (those they were less than 6 feet away from and with them for more than 15 minutes) in case contact tracing needs to be conducted.
- If the employee was exposed to a person with COVID-19, the employee must remain out of the workplace for 14 days starting on the last day of exposure.
- If the employee has been diagnosed with COVID-19, the employee must remain out of the workplace for 10 days after symptoms first appeared (or after the employee's positive test if the employee is asymptomatic). The employee will need to be symptom-free for at least 72 hours without the use of fever-reducing medications and should show improvement in respiratory symptoms (e.g., cough, shortness of



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breath). The employee will also need to provide medical clearance from a doctor, preferably dated three days or closer to the day they return to work.

12. ON -THE-JOB INJURY (OJI) – COVID EXPOSURE OR CONFIRMATION

- If a City of Memphis employee has been diagnosed with COVID-19 because of exposure while performing their job duties for the City, the employee will be eligible to submit an OJI claim.

PROCEDURE

The employee should contact his or her supervisor immediately. The employee's supervisor will report the OJI immediately to the City's insurance carrier.

- If a City of Memphis employee has been isolated because he/she worked in the proximity of a coworker who was subsequently diagnosed with COVID-19, and the employee is waiting on COVID-19 test results, the employee will be eligible to submit an OJI claim.

NON-ELIGIBLE OJI CLAIMS

A City of Memphis employee who contracted COVID-19 while on personal travel or not at work for the City will not be eligible for OJI. If you have questions, please email memphishr@memphistn.gov

Links referenced in this document:

1. CDC Risk Assessment: <https://www.cdc.gov/coronavirus/2019-ncov/php/risk-assessment.html>
2. CDC International Travel Level-3 Travel Notice: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notices.html>
3. CDC Domestic Travel Advisory: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html>
4. City of Memphis FFCRA Information: <https://totalrewards.memphistn.gov/>
5. US COVID-19: <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>