

**EMERGENCY ORDINANCE NO. 2020-11
TOWN OF HILLIARD, FLORIDA**

AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA, CREATING A RETURN TO WORK POLICY AS A PART OF THE TOWN OF HILLIARD'S PERSONNEL POLICY DURING THE COVID-19 EMERGENCY; PROVIDING FOR NON-CODIFICATION, SEVERABILITY, AN EFFECTIVE DATE, AND AN EXPIRATION DATE.

WHEREAS, a respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting many countries, including the United States, and more specifically, Florida; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis of the State of Florida issued Executive Order No. 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7, 2020, Governor Ron DeSantis of the State of Florida directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis of the State of Florida issued Executive Order No. 20-52 declaring a state of emergency within the State of Florida in response to the COVID-19 Public Health Emergency; and

WHEREAS, on March 18, 2020, the Nassau County Board of County Commissioners declared a state of emergency for the entire county; and

WHEREAS, on April 2, 2020, pursuant to § 252.38(3), Florida Statutes, the Town of Hilliard declared a state of local emergency, permitting it to waive procedures and formalities otherwise required of political subdivisions of law; and

WHEREAS, on April 2, 2020, pursuant to § 252.38(3), Florida Statutes, the Town of Hilliard enacted Emergency Ordinance 2020-02, enabling emergency procurement of commodities or services when there exists a clear and present threat to public health, property, welfare, safety, or other substantial interest in the Town; and

WHEREAS, the Town must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other

resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS, the Town’s Departments have remained functioning during the emergency, and it is the Town’s intention and policy to keep the Departments running during the emergency, but the conditions caused by COVID-19 could foreseeably affect the operations of the Town of Hilliard and new personnel policies may help address and protect both the employees of the Town as well as the public; and

WHEREAS, the Florida Association of City Clerks has assembled a model return to work policy for use by Florida municipalities in addressing personnel issues arising from the COVID-19 pandemic emergency; and

WHEREAS, this Ordinance was originally passed in the form of Ordinance 2020-05, but improved guidance by the CDC and changed circumstances in the Town necessitate alterations to the Ordinance; and

WHEREAS, this Ordinance may be adopted as a permanent policy and is designed to be adopted as a permanent policy if the Town so desires after the emergency; and

WHEREAS, the Town finds that this Ordinance is in the interests of the public health, safety, and welfare and indeed that there exists a clear and present threat to public health, property, welfare, or safety to the Town.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF HILLIARD, FLORIDA:

SECTION 1. Recitals. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. Return to Work Policy. The purpose of this policy is to provide guidance on returning to work after illness or travel during the COVID-19 “coronavirus” pandemic.

1. Returning to Work After Illness.

1.1. Employees who are sick should stay home for at least twenty-four (24) hours after any fever is gone without the use of fever-reducing medicines, such as, Ibuprofen, Naproxen, and Acetaminophen.

1.2. Employees who become sick at work or who have flu-like symptoms upon arrival to work or become ill during the day should promptly notify their supervisor and go home until at least 24 hours after their fever is gone without the use of fever-reducing medications. Supervisors who have been notified of an employee’s absence due to becoming sick at work or having flu-like symptoms upon arrival to work shall notify their department head and the Town Clerk, if different than the department head. Before returning

to work, the employee must supply the Town Clerk with medical documentation obtained in the prior 24 hours that they do not have COVID-19.

- 1.3. Employees presumed positive or confirmed to have COVID-19 must stay home for as long as required by the CDC guidelines then in effect or for the duration of the illness (whichever is greater). Before returning to work, the employee must supply HR with medical documentation showing they are no longer have COVID-19.
- 1.4. Employees who are well but who live with a sick household member, must remain home for as long as required by the CDC guidelines then in effect. Before returning to work, the employee must supply the Town Clerk with medical documentation showing they do not have COVID-19.
- 1.5. All employees are encouraged to follow the Center for Disease Control and Prevent (CDC) and Florida Department of Health (FDOH) guidelines on social distancing. If employees are supposed to meet in small, confined spaces which would permit less than six feet of space between them, then they are encouraged to meet virtually – through e-mail or conference call.

2. Requirements.

- 2.1. Employees who travel by plane, cruise ship, or are in direct contact with individuals suspected or presumed to have COVID-19 are required to report their travel plans in writing to their department head and to the Town Clerk, if different than the department head, and must inform their supervisor prior to returning to work. Additionally, they must self-quarantine for as long as CDC guidelines require at that time upon return from travel by plane, cruise ship, or travel placing them in direct contact with individuals suspected or presumed to have COVID-19. Before returning to work, the employee must supply the Town Clerk with medical documentation showing they do not have COVID-19.
- 2.2. Managers of employees who appear sick with symptoms related to COVID-19 must immediately notify the applicable department head and Town Clerk, if different than the department head. If it is determined that an employee is exhibiting symptoms of COVID-19, exhibiting symptoms of any other illness, recently traveled, or was in direct contact with individuals suspected or presumed to have COVID-19, the employee will immediately be sent home. Before returning to work, the employee must supply the Town Clerk with medical documentation showing they no longer have COVID-19 and are no longer contagious.
- 2.3. Employees who do not report to work because they are caring for an individual under quarantine, or caring for their child if the child's school or

place of care is closed, may stay home using sick, vacation, or PTO leave. Before returning to work, the employee must supply the Town Clerk with medical documentation showing they do not have COVID-19.

- 2.4. Employees concerned about exposure to COVID-19 who are not showing symptoms and where there is no recommendation for isolation from the CDC or FDOH shall take sick, vacation, or PTO for their self-induced isolation period. Before returning to work, the employee must supply the Town Clerk with medical documentation showing they do not have COVID-19.
 - 2.5. For the safety of all employees, failure to comply with the terms of this policy may lead to disciplinary action up to and including termination.
 - 2.6. As the details and developments related to the COVID-19 pandemic rapidly and continually evolve, all components of this policy are subject to change to reflect the current needs of the Town of Hilliard, as well CDC and FDOH guidelines.
3. Renewal Authority. The Town Council delegates the authority to renew this Ordinance to the Mayor, Floyd Vanzant, who must do so in writing. Nothing, however, shall impede the authority of the Town Council to override such a renewal, take back renewal authority, or to veto any decision made by the Mayor with this power.

SECTION 3. Non-Codification. Given the temporary nature and effect of this Ordinance, it is the intent of the Town Council that this Ordinance will not be codified.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

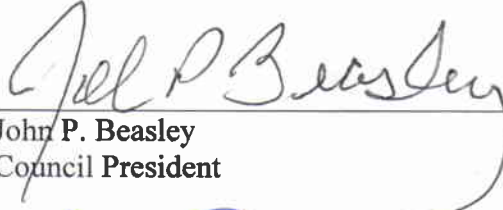
SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective Date. This Ordinance shall become effective immediately and expire seven (7) days from this date. It may be renewed as provided in law in seven (7) day increments, unless earlier terminated by the Town Council.

ADOPTED this 20th day of October, 2020 by the Town Council for the Town of Hilliard, Florida.

TOWN OF HILLIARD, FL

By:



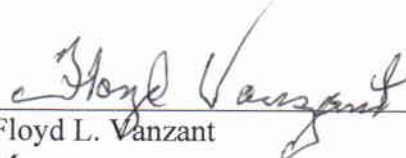
John P. Beasley
Council President

Attest:



Lisa Purvis
Town Clerk

Approved:



Floyd L. Vanzant
Mayor