

Emergency Bill No. 4830

Ordinance No. \_\_\_\_\_

Requested by: Steve Ehlmann and Samantha Shadrach

Sponsored by: Terry Hollander

AN EMERGENCY ORDINANCE ESTABLISHING  
LEAVE POLICIES REGARDING THE DECLARED  
PUBLIC HEALTH EMERGENCY RELATED TO THE  
COVID-19 PANDEMIC AND AUTHORIZING THE  
COUNTY EXECUTIVE TO MODIFY THE POLICY  
AS NEEDED TO RESPOND TO CHANGING  
CONDITIONS

WHEREAS, on March 13, 2020, the St. Charles County Executive Steve Ehlmann declared that a State of Emergency exists in St. Charles County, Missouri, to assist with the St. Charles County's response to the health threat posed by SARS-CoV-2 virus, which causes Novel Coronavirus 2019 ("COVID-19"); and

WHEREAS, COVID-19 can result in mild or severe symptoms, is highly contagious and is spread through close contact between persons and respiratory transmission; and

WHEREAS, COVID-19 poses a serious health risk, particularly for residents and visitors who are elderly or have compromised immune systems; and

WHEREAS, on March 11, 2020, the World Health Organization officially declared a pandemic due to COVID-19, and on March 13, 2020, Missouri Governor Michael L. Parson declared a State of Emergency in Missouri to assist with the State's response to this health threat; and

WHEREAS, County government must continue to provide essential

government services to its citizens and provide for the public health and safety of St. Charles; and

WHEREAS, it is necessary to adjust leave policies in response to the unprecedented emergency in order to continue to provide staffing and ensure that such essential government services can be delivered, and within the bounds of providing those services to allow employees the ability to respond to their individual circumstances; and

WHEREAS, the St. Charles County Charter, Article II, Section 2.605 states that to meet a public emergency affecting the immediate preservation of the public peace, health, safety and welfare, the Council may adopt emergency ordinances; and

WHEREAS, Article II, Section 2.529 of the Charter of St. Charles County provides that the County Council shall have the power to exercise legislative power pertaining to public health and welfare, police and traffic, building construction, and planning and zoning, in the part of the County outside incorporated Cities, Towns, and Villages, and on such other subjects as may be authorized by the Constitution or by applicable law; and

WHEREAS, pursuant to Missouri Revised Statute Section 192.300, St. Charles County may enact ordinances to enhance the public health in all areas of the County, whether unincorporated or incorporated.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Director of Administration shall make such

operational adjustments and decisions to ensure that critical services and public safety services are not interrupted, and that appropriate staffing is provided in all areas related to public health and safety.

Section 2. The following provisions will govern leave usage during the course of the declared emergency and the County Executive is authorized to amend the provisions in response to an extended period of work interruption or to conform to any state and federal law changes.

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**Employee Compensation and Benefits During State of Emergency Declared March 13, 2020**

Category	Definition	Work Requirements	Pay During the State of Emergency
Category 1	<p>Employee is ordered quarantined or has been advised to voluntarily quarantine by a Public Health Department.</p> <p>Must provide written documentation from Public Health.</p>	<p>During the ordered quarantine period or period when advised to be voluntarily quarantined, the employee shall have no work requirement while they are symptomatic. When not symptomatic, employees shall work as directed by their appointing authority, if such duties can be performed at home.</p>	<p>Paid regular rate of pay during the quarantine period. However, if during the time of this emergency, after the effective date of this bill the employee chooses to travel outside of the St. Louis region and upon return is ordered to quarantine or has been advised to voluntarily quarantine by a Public Health Department due to the travel, the employee is required to take PTO and if has no PTO balance will be treated under the unpaid leave standards of the current ordinance.</p>
Category 2	<p>Employee is a member of a *vulnerable population.</p>	<p>The employee is required to work in the ordinary course of business except as authorized by the appointing authority. The employee has the sole discretion to decide whether to work from home or to work in the ordinary course of business. If the employee decides to work from home, the employee must perform work as directed by the appointing authority. If the employee decides to work from home but it is not possible for the employee to perform job duties from home, the appointing authority may assign the employee other job duties that can be performed from the employee's home.</p>	<p>Paid regular rate of pay while complying with work requirements, otherwise the employee may utilize EML beginning the first day of absence or PTO if the employee's duties don't allow working from home.</p>

Category 3	Employee is (a) a parent or legal guardian of a dependent under the age of 18 in the employee's custody, (b) the dependent is isolated or quarantined outside of the employee's household, and (c) the employee is traveling to reach the dependent child requiring care related to Covid-19.	The employee is required to work in the ordinary course of business except as authorized by the appointing authority to telecommute if the employee's duties allow for remote work.	Paid regular rate of pay while complying with work requirements, otherwise the employee is required to take PTO.
Category 4	Employee is (a) a parent or legal guardian of a dependent, (b) the dependent's school or daycare is closed in connection with COVID-19, and (c) the dependent is in the parent or legal guardian's physical custody.	The employee is required to work in the ordinary course of business except as authorized by the appointing authority. The employee's appointing authority shall authorize the employee to work from home to the extent reasonably possible.	Paid regular rate of pay while complying with work requirements, otherwise the employee is required to take leave in the following order: Comp Time, PTO and if exhausted, EML is immediately.
Category 5	Employee who is a household member of a person who is a member of the vulnerable population.	The employee is required to work in the ordinary course of business except as authorized by the appointing authority. The employee's appointing authority shall authorize the employee to work from home to the extent reasonably possible and, if the employee decides to work from home but it is not possible for the employee to perform job duties from home, the appointing authority may assign the employee other job duties that can be performed from the employee's home.	Paid regular rate of pay while complying with work requirements, otherwise the employee may utilize EML beginning the first day of absence or PTO if the employee's duties don't allow working from home.
Category 6	Employees who are defined as critical employees pursuant to this ordinance above.	The employee is required to work in the ordinary course of business except as authorized by the appointing authority.	Paid regular rate of pay while complying with work requirements.

**Clarifications:**

- \*Vulnerable individuals are those who are (1) 60 years of age or older, or (2) have any of the following underlying medical conditions: Blood Disorders; Cancer; Chronic Kidney Disease; Chronic Liver Disease; Compromised Immune System; Current or Recent Pregnancy; Diabetes or other Metabolic Disorders; Metabolic Disorders; Heart Disease; Lung Disease including Asthma or Chronic Obstructive Pulmonary Disease; Neurological and neurologic and neurodevelopment conditions. This term is subject to change by the Director of the Department of Public Health.

- Paid family leave policy applies as normal.
- While working from home, the employee must comply with the Telecommuting Agreement entered into between the employee and their Appointing Authority. Employees may be asked to perform duties that are not currently part of their job.
- Employees should provide as much advanced notice to their supervisor as possible.

Section 3. Compliance with this ordinance shall be the responsibility of the Director of Human Resources.

Section 4. Declaration of Emergency. An emergency exists because there is a confirmed St. Charles County case, as well as cases in St. Louis County and St. Louis City which jurisdictions are a part of the metropolitan area.

Section 5. This ordinance shall be in full force and effect from and after the date of its passage and approval pursuant to the St. Charles County Charter Article II, Section 2.605.

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DATE PASSED

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DATE APPROVED BY COUNTY EXECUTIVE

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CHAIR OF THE COUNCIL

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COUNTY EXECUTIVE

ATTEST:

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COUNTY REGISTRAR