

**City of Baltimore**  
**Department of Human Resources**

**EMERGENCY RESPONSE PLAN  
FOR HUMAN RESOURCES ISSUES  
REGARDING COVID-19 & OTHER  
CATASTROPHIC EVENTS**



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# Overview

The City of Baltimore is responsible for providing services to the residents and businesses of Baltimore. The potential COVID-19 emergency could disrupt the continuity of operations for provision of essential and other community services, including governmental and business functions. Should there be confirmed cases of COVID-19 in Baltimore City, the Mayor, in consultation with the Health Commissioner, may implement this plan in full or in part. The City reserves the right to modify this Plan as guidance from the Centers for Disease Control and Prevention (“CDC”) and other Federal and State partners develops.

Emergency staffing and backfilling of existing positions will be of primary concern in order to provide essential and ongoing services to the public. In the event that essential services are adequately staffed, non-essential services may be staffed, to the extent possible.

This plan is meant to compliment agency operational plans. It does not limit agency authority to make operational decisions as to essential or other needed functions.

The following assumptions were made in drafting this plan:

- The City of Baltimore shall follow all recommendations of the Centers for Disease Control and Prevention (“CDC”).
- The provisions of the City of Baltimore City Charter, Administrative Manual, Personnel Manual, Civil Service Rules, and Memoranda of Understanding must be followed to the extent possible.
- No applicable State or Federal laws dealing with personnel issues have been waived.
- City functions and services will be staffed in priority order.
- School and daycare closings may have a significant impact on workforce availability.
- Fear of infection and necessary dependent care may affect employees' attendance.
- Local governments may be required to provide additional services not currently performed such as supporting people who have been placed in isolation and quarantine by the City of Baltimore's Health Department.
- Employees may need personal protective equipment (PPE) to maintain critical services, which will require special policies, procedures, testing, and training.
- Assistance from outside organizations, county, state, and federal government will be limited if the outbreak is nationwide.

This plan provides staffing strategies, tools, advice, and directives that agencies should follow in the event that the Mayor proclaims a COVID-19 emergency for the City. Of note is the fact that many human resources processes may be simplified, and the administration of Memoranda of Understanding provisions narrowed in order to meet exigent staffing needs.

The effect of the provisions of this plan confer no new privilege, right of appeal, right of position,

transfer, demotion, promotion, nor reinstatement for any City of Baltimore employee, contract worker, or volunteer. This plan does not constitute an express or implied contract. It provides general guidance that cannot form the basis of a private right of action.

# Section 1 - Priority Designations for City Functions and Services

**Recommendations:** Agencies need to move to the next phase in their planning by identifying primary personnel (if not already completed) and secondary personnel for priority services. Agencies need to predetermine secondary personnel for payroll and agency HR Representative functions and begin cross training.

**Advanced Planning:** Staff should be informed of their priority designation and expectations. Employees may be required to work on different priorities due to a pandemic.

All City agencies and offices must categorize their functions and services accordingly. After completing categorization, agencies must communicate this information to employees. If not already complete, the next steps are as follows:

A. Agencies shall identify the conditions that activate the plan. For example, the Mayor has proclaimed an emergency; *or* although a City emergency has not been proclaimed, an Agency Head has received authority from the Mayor to activate the plan because the COVID-19 pandemic has had a negative impact on the business continuity of his or her agency.

B. Agencies shall predetermine primary personnel for each of the priority areas and the minimum number of staff necessary to perform the functions.

1. Agencies should identify secondary personnel that have the skills and abilities to perform other functions. Such personnel may be:

- a. Employees in the same classification series as those who normally perform the function.
- b. Employees who have previously performed the work and are currently employed elsewhere in organizations within the City.
- c. Employees who can be trained either in advance of the need or on-the-job when the need arises.

2. Agencies should identify other personnel who may be available to perform the priority functions. It may be helpful for agencies to develop a pool of personnel to call upon. Such personnel may include retired employees, former employees, temporary workers, and contract workers.

3. Each agency shall predetermine the payroll function as a Priority 2 function and shall have a plan of succession and cross training for the payroll function. There should be *at least* two employees; one of whom may include the payroll supervisor, who are trained to perform the payroll function.<sup>1</sup>

4. Each agency shall predetermine their human resources functions as a Priority 2

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<sup>1</sup> See Section 5 of this plan for administration of contingent workers and emergency hiring during a COVID-19 emergency.

function and shall have a plan of succession and cross training for these functions.

The City of Baltimore is using the following priority designations and definitions to categorize all City functions and services:

- **Priority 1 Services - Public Safety and Security**

Immediate threats to public health and/or safety. Activities that must remain uninterrupted. Generally, these would be agencies that operate 24 hours a day. These services include but are not limited to: 9-1-1 call-center, water and wastewater, fire suppression, law enforcement, and emergency medical services are designated Priority 1 Services.

- **Priority 2 Services - Essential and Core Services**

Activities that can be disrupted temporarily, or may be periodic in nature, but must be re-established within a few days. For example, mixed refuse collection, processing payroll, payment to vendors, and benefit payments to individuals would generally be considered Priority 2 Services. Economic impact and chaos may develop if services are not delivered after a few days.

- **Priority 3 Services - Necessary Services**

Activities required by law or rule and can be suspended by executive order or emergency declaration. Activities that can be disrupted temporarily (a few days or weeks), but must be re-established sometime before the pandemic wave is over (less than 6 weeks). For example, license renewals would be considered Priority 3 Services.

- **Priority 4 Services – Deferrable Services**

Inconvenient but recoverable after several weeks without it. Services that can be suspended during an emergency and are not required by law or rule. Activities that can be deferred for the duration of a COVID-19 emergency. For example, educational programs, training, and general maintenance programs would generally be considered Priority 4 Services.

## Section 2 - Lines of Succession and Delegation of Authority

**Recommendations:** Management lines of succession need to be identified and documented. COVID-19 could affect the absentee rates of more management staff than in other emergencies.

**Advanced Planning:** Agencies must predetermine lines of succession and provide for access to information.

The following section provides guidance and direction to assist agencies to develop plans for identifying lines of management succession and delegation of authority in the event of a COVID-19 emergency.

Agencies must establish a line of succession plan. A line of succession provides a list of predetermined alternates for key leadership positions in each agency.

1. The succession plan should be four employees in depth, where possible. The personnel identified for the line of succession should know the operations of the unit. They should also have the confidence of the principal to act in his or her absence; clearly understand the scope of the powers and duties delegated to him or her; and clearly understand the constraints, if any, of the powers and authorities delegated.
2. The succession plan should clearly identify the names of designated personnel, their regular titles, and how they can be contacted. (Consider forwarding any phones, work cellphones, pagers, and/or email necessary to the person assuming the powers and duties.)
3. The names and order of succession for designated personnel must be communicated to agency personnel.
4. If all of the personnel identified for the line of succession are unavailable (which may be the case in small agencies where there is a limited number of leadership personnel), the agency should provide for alternate lines of succession. It should identify personnel outside of the agency who can assume the powers and duties. The line of succession plan should be updated whenever staff changes occur.
5. Agencies should construct a method by which those in the line of succession will have access to information and needed items, *e.g.* computer passwords, calendars for employee approved time off, office keys, file cabinet keys, etc., should they have to assume leadership responsibilities.
6. Succession plans shall be documented and provided by the Agency Head to the Office of Emergency Management.

## Section 3 - Reporting to Work

**Recommendations:** Current policy and procedures apply.

**Advanced Planning:** Staff should be informed of their priority designation and expectations; employees should have a family care succession plan in place; employees who are assigned some priority services may have to telework to perform duties and should be equipped to do so in advance pursuant to the City of Baltimore's Telework Policy – AM 200-13.

The priority services categories and definitions outlined in Section 1 provide the foundation for who must report to work and remain at work as scheduled, and when, during a pandemic emergency. Employees may be required to work on different priorities due to a pandemic. All employees responsible for priority 1 functions must report to work and remain at work as scheduled. The Mayor, in conjunction with the Office of Emergency Management and the State, will determine the City's priority level at any given time during a pandemic emergency. Staff should be informed of their priority designation and expectations.<sup>2</sup> Each employee's role in a pandemic emergency:

- Is determined by their agency.
- Is part of an organized response set forth in the City's Emergency Operations Plan.
- May change during the emergency.
- Requires that they be prepared to respond.
- Requires that their family also be prepared.

### Closure of Schools and Daycare Facilities

To minimize the effect of any disease outbreak, the Baltimore City Health Department may order disease control measures that include a broad array of actions. Isolation and quarantine orders and social distancing measures are likely to be used in a COVID-19 event. In addition to closing large social gatherings, such as sporting events, theater shows, concerts, and other venues, the City's schools and large daycare centers may close as a social distancing strategy. It is anticipated that this action would occur in coordination with any emergency proclamation that may emanate from the Mayor.

School and daycare closures are expected to have a significant cascading effect on staff absenteeism in both the private and public sectors. The City of Baltimore must be prepared for a reduction in its staff resulting from healthy parents staying home to take care of healthy children or other healthy dependents. If schools and daycare centers are closed, employees will not be allowed to bring their children to work.

- A. Personnel responsible for Priority 1 Services must report to work and remain at work as scheduled, notwithstanding school and daycare closures.
- B. Personnel Responsible for Priority 2 Services must report to work within three days, notwithstanding school and daycare closures.
- C. Personnel Responsible for Priority 3 Services should make every effort to report to work in the event of school and daycare closures and must report to work within two weeks,

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<sup>2</sup> See Section 15 for discussion of discipline for unauthorized absences.



notwithstanding school and daycare closures, unless directed otherwise.

D. Personnel Responsible for Priority 4 Services should make every effort to report to work in the event of school and daycare closures, unless directed otherwise.

All personnel, regardless of priority level designation, should have a family care plan in place. In the event that child and dependent care coverage becomes impossible, personnel may use accrued vacation, personal leave or accrued compensatory time for such an absence or may request approval for leave without pay, depending on the employee's priority level designation. ***Sick leave may not be used by healthy parents who are staying home to take care of healthy children or other healthy dependents due to lack of daycare arrangements.***

## Section 4 - Labor Relations

**Recommendations:** Current policy and procedures apply.

**Advanced Planning:** Agencies should consult with the Office of the Labor Commissioner for answers to specific questions or needs.

The following provides guidelines in the administration of Memoranda of Understanding (MOU) to follow in the event a pandemic emergency is proclaimed:

### A. Guiding Principles for Emergency Administration of Memoranda of Understanding (MOU)

1. All provisions in the MOU would remain in effect with the exception that notification periods may be suspended for items such as changing schedules and assignment of work, due to emergency status of the event.
2. Managers and supervisors should try to follow all the notification requirement provisions of the respective MOU to the extent possible.
3. Managers and supervisors should provide as much notice to employees as possible, given the circumstances, of any change affecting employees.
4. To the extent possible, compensation provisions will not be suspended but may be streamlined in order to administer payroll in a timely manner. This means that only a very basic payroll will be possible and exceptions, such as working-out-of-title may not be available to be paid until a later time. Supervisors need to maintain documentation of any change in assignment and track hours worked for their employees to ensure these items are tracked and paid when the more complete payroll process is available.
5. In the event that a pandemic emergency is proclaimed, managers and supervisors should refer to the staff of the Office of the Labor Commissioner as questions arise concerning administration of MOU.

### B. Changes in Employee Schedules and Notification Timelines

Most of the MOU for unions representing City of Baltimore employees have notification requirements regarding change in employee's shifts, hours, days, etc. During a declared City emergency such as a pandemic, the Office of the Labor Commissioner will alert the unions regarding exceptions to the current contract language during the declared emergency. Refer to the section on "Hours of Work" in the applicable MOU.

Managers, supervisors, and employees should understand that the following actions may need to be taken during an emergency.

1. Previously approved leaves of absence (other than for protected medical leave purposes) may be rescinded with minimal notice.
2. Employees may be required to report for work outside of the regular workday or shift

with minimal notice.

3. Employees' work schedules and/or hours of work may change with minimal notice.
4. Employees may be directed not to report to work.
5. Employees may be required to work at other locations or telework with minimal notice.
6. Employees may be assigned overtime with minimal notice.
7. Employees may be assigned out-of-class or out-of-title work with minimal notice.
8. Employees may be assigned to work other duties or to work in other agencies with minimal notice.

Agencies are encouraged to work with staff to minimize the impacts of decisions affecting schedule changes. Rest and meal period requirements continue no matter what type of work schedule is assigned. Overtime is probable and should be expected.

#### C. Pay and Break Periods

Compensation will be paid in accordance with the respective MOU or personnel policies, as appropriate, for all work performed.

#### D. Contract Negotiations and Administration

During the period of the emergency, the City may temporarily suspend collective bargaining negotiations, grievance processing, and labor-management committee meetings.

Employees should contact the union leadership for their respective collective bargaining agreement if they have questions or concerns about these guidelines or how they are being applied.

#### E. Alternative Work Schedules

1. Agencies shall review their normal business hours and work schedules to determine if they can be modified in a manner that best promotes social distancing, business continuity, or other pandemic response goals during an emergency.
2. Agencies will identify functions and services that may be staffed with personnel on alternative schedules.
3. If feasible, supervisors should first ask for employees to volunteer to work hours other than their usual schedule. Where certain work schedules cannot be staffed with volunteers, the Agency Head, or designee, may direct staff to work the schedules necessary.

# Section 5 - Contingent Workforce and Emergency Hiring

**Recommendation:** Current policies and procedures apply with modifications for quick hire.

**Advanced Planning:** Agencies must preplan and identify classifications, which may be needed during an emergency so that they may more quickly staff their work units.

During an emergency, city agencies may need to quickly obtain staff to fulfill critical positions. Provisions of policies and MOU agreements may be simplified in order to meet the exigent staffing needs.

City of Baltimore contingent workers fall into one of four general categories as follows:

1. Temporary or Seasonal - a City of Baltimore employee whose term of employment may not to exceed two years.
2. Provisional- a City of Baltimore employee who works in a classification pending the creation of an eligible list exists for that class. Promotional provisional employees receive City of Baltimore benefits.
3. Contractual (retired city employees and other than retired city employees) - An individual engaged to render services to the City when the requesting agency identifies a need for the individual's services and the individual possess the qualifications necessary to satisfy the requirements of the services to be rendered. An individual providing such services must enter into a contractual agreement with the City of Baltimore. Contract must be submitted to and approved by the Board of Estimates prior to start date.
  - Contractual (retired city employees) AM 212-1 Part I -an individual who is a member of the City's retirement systems, receives periodic paid benefits, and has been retired for at least 90 days before beginning such contracted services. Contract not to exceed one-year subject to a ceiling of 1200 paid work hours per contract year.
  - Contractual (other than retired city employees) AM 212-1 Part II -an individual who has not retired from the City of Baltimore. Contract not to exceed one year in duration.
4. Temporary Employment Services -an Employee of an authorized vendor who provides services to the City. The majority of employment service workers used in the City of Baltimore are in the administrative, nursing, financial, and information technology fields. These workers are not paid by the City of Baltimore and do not receive City benefits. To secure individuals through an employment service an agency must adhere to the procedures for Baltimore City Purchasing System Citibuy.

Access to Citibuy is available through the Baltimore City Purchasing System website at: <https://www.baltimorecitibuy.org/bsa/login.jsp>

A listing of the current temporary employment service vendors approved through June 12, 2022 is included at the end of this section.

## Approved Temporary Employment Services Vendors

PO #	Type	Vendor Name	Effective Date	Term Date
<a href="#">P534294</a>	Providing Temporary Medical Personnel Services	Excel Staffing and Personnel Services, Inc.	02/01/2016	01/31/2021
<a href="#">P534292</a>	Providing Temporary Accounting Personnel Services	1st Choice Staffing, LLC	02/01/2016	01/31/2021
<a href="#">P534205</a>	Providing Temporary Administrative Personnel Services	Premier Staffing Source, Inc.	02/01/2016	01/31/2021
<a href="#">P543767</a>	Professional Services	Robert Half International, Inc	05/18/2018	05/31/2021
<a href="#">P548691</a>	Enterprise Support Staff	UVS InfoTech LLC.	06/13/2019	06/12/2022
<a href="#">P548575</a>	Enterprise Support Staff	22nd Century Technologies, Inc.	06/13/2019	06/12/2022
<a href="#">P548574</a>	Enterprise Support Staff	Early Morning Software	06/13/2019	06/12/2022
<a href="#">P548533</a>	Enterprise Support Staff	Array Information Technology	06/13/2019	06/12/2022
<a href="#">P548532</a>	Enterprise Support Staff	vTech Solution Inc	06/13/2019	06/12/2022
<a href="#">P548527</a>	Enterprise Support Staff	BG Staffing LLC, d/b/a Vision Technology Services	06/13/2019	06/12/2022
<a href="#">P548526</a>	Enterprise Support Staff	OST Inc.	06/13/2019	06/12/2022
<a href="#">P548524</a>	Enterprise Support Staff	Serigor Inc.	06/13/2019	06/12/2022
<a href="#">P548521</a>	Enterprise Support Staff	Apex Systems, LLC.	06/13/2019	06/12/2022
<a href="#">P548516</a>	Enterprise Support Staff	Business Integra Inc.	06/13/2019	06/12/2022
<a href="#">P548512</a>	Enterprise Support Staff	Realistic Computing, Inc	06/13/2019	06/12/2022
<a href="#">P548353</a>	Enterprise Support Staff	BITHGROUP Technologies, Inc.	06/13/2019	06/12/2022
<a href="#">P548352</a>	Enterprise Support Staff	Trigyn Technologies, Inc.	06/13/2019	06/12/2022

## Section 6 - Teleworking

**Recommendations:** Reference AM 200-13. Temporary policy and procedure change. Agency Head or designee may require teleworking. Also, Employees should be able to provide limited childcare while teleworking. If Telework is denied, there is no requirement that a supervisor provide an explanation of his or her reasoning for the denial.

**Advanced Planning:** Teleworkers and associated technological needs must be identified and implemented as soon as possible.

Teleworking means that an employee is working from an approved remote worksite instead of commuting to his or her centrally located worksite.<sup>3</sup> Teleworking is not appropriate for all employees and no employee is entitled or guaranteed the opportunity to telework.

A. Agencies should identify and submit names of possible teleworkers to the Baltimore City Office of Information Technology (BCIT) as soon as possible to discuss requirements and make the necessary technological arrangements.

1. Agencies shall consider the use of teleworking to accomplish social distancing for a COVID-19 emergency.
2. Agencies shall identify priority functions that may be accomplished remotely and whether the person performing the function needs access to all systems and applications or only email and/or voice communications.
3. Agencies shall identify employees who are qualified for the provision of which priority functions and determine their ability to telework and their current capacities, e.g., who already has Virtual Private Network (VPN). Provide VPN service in advance of the potential COVID-19 emergency to such employees performing functions that require access to systems and applications. Please note: Due to budgetary considerations and BCIT personnel availability, VPN access is limited Citywide, so employees should not expect to be provided VPN.

B. The Agency Head or designee may require that an employee telework during a COVID-19 emergency. Any arrangement for telework must be documented with a telework agreement pursuant to AM 200-13.

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<sup>3</sup> Ordinarily teleworking is not a substitute for dependent/childcare, and employees are expected to make dependent/childcare arrangements for the period they will be working from home. However, under these emergency conditions it may be necessary for the employee to provide care. There are no guarantees that employees will be afforded the opportunity to telework.

# Section 7 - Out-of-Title Assignments

**Recommendations:** Current policy and procedures apply.

**Advanced Planning:** Departments should identify areas where Out-Of-Title assignments are expected to occur in the event of a COVID-19 emergency.

Administration of Out-Of-Title will continue in accordance with City of Baltimore policy AM-214-1 and respective MOU agreements. However, on a case-by-case basis the provisions of this policy and the respective MOU agreements may be simplified in order to meet exigent staffing needs.

An Out-Of-Title assignment is defined as the temporary assignment of an employee to an existing higher-level classification when the higher-level duties and responsibilities comprise of more than 50% of the work performed.

A. Only in the event that an employee is assigned to higher-level duties will they be paid out-of-title pay. Out-of-title pay is not appropriate where an employee is simply assigned different duties, which are not higher-level duties, or where an employee is simply assigned to work in a different work unit if the work performed does not involve higher-level duties.

B. Managers must keep good documentation on assignments and inform payroll staff as soon as possible.

## Out-Of-Class Assignments

An Out-Of-Class assignment is defined as the temporary assignment of an employee to an existing equal or lower classification when equal or lower classification duties and responsibilities comprise more than 50% of the work performed or when higher-level duties and responsibilities comprise less than 50% of the work performed.

Employees assigned to perform duties of an equal or lower classification, due to an emergency will not receive Out-Of-Title pay however the out-of-class duties and responsibilities will be performed without reduction in base pay.

## Section 8 - Volunteer Services

**Recommendations:** Current policy and procedures apply.

**Advanced Planning:** Agencies should compile a list of potential volunteers.

During a COVID-19 emergency, agencies may need to utilize the services of volunteers. Generally, volunteers are individuals who perform hours of service for the City for civic, charitable, or humanitarian reasons.

A. Agencies should first attempt to utilize City of Baltimore employees to perform needed work, if needed staff is not available, then recruit volunteers including retirees.

B. Agencies should identify areas where volunteers might be utilized in advance and identify the type of skills that volunteers will need to be useful in that area. Agencies should then compile a list of possible volunteers.

C. Agencies may be contacted by individuals who want to volunteer but are not needed or do not possess the needed skills. Agencies should predetermine how to communicate to these individuals that their offer to volunteer is appreciated but that the agency cannot utilize their services.

D. Agencies may include as volunteers any individual who volunteers to perform services for the agency if the following conditions are met:

1. The individual receives no compensation or is paid expenses or a nominal fee to perform the services for which the individual volunteered. The individual must perform services without any kind of promise or expectation or receipt of compensation, or offer of employment for the services rendered.
2. Such services are not the same type of services which the individual is employed to perform for the City. Individuals may not volunteer to do what they are otherwise paid by the City to do.
3. The volunteer must sign a waiver and release prior to performing volunteer services.



# Section 9 - Rescission of Approved Leave, Compensatory Time Off, or Leave without Pay

**Recommendations:** Current policy and MOU apply.

**Advanced Planning:** Managers and supervisors should keep an updated calendar of all approved time off and provide access of that calendar to those in their line of succession.

Because the COVID-19 emergency may cause significant staffing shortages, previously approved vacation, personal leave, compensatory time off, or leave without pay may be rescinded in order to provide staffing coverage for City services. The ability to rescind previously approved-leave currently exists.<sup>4</sup>

Supervisors, managers, and directors should note the following:

A. Managers and supervisors should keep an updated calendar of all approved time off and provide calendar access to those in their line of succession.

B. Approved vacation, personal leave, compensatory time off, or leave without pay should only be rescinded where the supervisor is unable to adequately staff a work unit or project.

C. Approved vacation, personal leave, compensatory time off, or leave without pay should be rescinded as soon as the supervisor believes that a potential staffing shortage will require that the employee report to work.

D. Prior to rescinding previously approved leave, the supervisor should attempt to staff the unit or project through other available means, e.g., seek available staff to volunteer for the work or staff with other available employees or contract workers.

E. Rescission of an employee's leave, which is already in progress, shall be reasonably based upon the employee's ability to report to work.

F. When rescinding leave, the supervisor shall have actual contact with the employee to ensure that the employee received the directive to report. Rescission should be made in writing, if possible.

For example, an email exchange between the employee and the supervisor or a letter from the supervisor to the employee in which the employee acknowledges receipt is acceptable contact. A message left on an employee's home telephone message recorder is not an acceptable contact, unless the employee returned the call acknowledging the directive.

G. While employees who have accrued compensatory time off have a right to use it within a reasonable time of their request, such may not be the case in the event of an emergency, such as a COVID-19, where an employee's absence would disrupt City business operations.

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<sup>4</sup> See also Section 11 of this plan Rescissions may not be made where the approved leave is a necessary extension of sick leave to be used in conjunction with the City of Baltimore Family and Medical Leave policy or other forms of medically protected leave.

# Section 10 - Sending Symptomatic Employees Home

**Recommendation:** An agency head or designee has the responsibility and authority to send an employee home should they exhibit the symptoms listed below in "B".

**Advanced Planning:** Training of agency heads and designees should include a reminder that they have the authority to send symptomatic employees home and that sick leave is meant to cover such an absence.

A. If an employee who is staffing operations appears to have COVID-19 symptoms at the workplace, or is subject to self-quarantine/isolation as outlined by guidance from the CDC, agency heads or designees have the authority to require the employee leave the workplace.

As a safety consideration, management should look to the physical well-being of its employees and whether the health of fellow employees is endangered by the health of an ill employee. Such is the case where an employee is exhibiting symptoms of pandemic COVID-19, because a symptomatic employee may endanger the health of fellow employees.

Supervisors should first seek the approval of their agency head or designee prior to sending a symptomatic employee home.

B. Agency Heads or designees are not to make judgments as to medical diagnosis but may rely on observations of an employee's symptoms in making a determination to send an employee who appears ill home. Symptoms of the COVID-19 virus include:

- Fever
- Cough
- Shortness of breath

For more information go to the Baltimore City Health Department's website: <https://health.baltimorecity.gov/novel-coronavirus-2019-ncov>, the Center for Disease Control (CDC) website at <https://www.cdc.gov/coronavirus/2019-ncov/index.html> or the Maryland Department of Health website at <https://phpa.health.maryland.gov/Pages/Novel-coronavirus.aspx>.

C. Under the Civil Service Rules and respective Memoranda of Understanding an employee may use sick leave for the employee's bona fide illness, incapacitating injury, or the employee's exposure to contagious diseases. Some Memoranda of Understanding allow employees to use a limited number of sick leave days to care for an ill dependent. Check with your agency human resources representative for individual clarification.

D. Employees who are required to self-quarantine/isolate may be permitted to telework.

E. In the event that employees are sent home because of COVID-19, employees may use their sick leave, vacation and/or personal leave accruals, compensatory time, may request approval to borrow emergency advanced sick leave (See Section 13 of this plan) or request approval for an unpaid leave of absence if all leave is depleted.

F. Paid permission leave is not available to an employee who is being sent home because they exhibit symptoms of COVID-19.

G. When the employee's condition improves to the point where the employee no longer poses a health hazard to fellow employees, the employee shall contact his or her supervisor and arrange for the employee's return to work.<sup>5</sup>

- Employees with COVID-19-like symptoms should remain at home until at least 24 hours after they have no fever (100 degrees F or 38.7 C or greater), or signs of a fever, without the use of fever-reducing medications.

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<sup>5</sup> See Section 12 of this plan for return to work authorization; the Health Department may provide further guidance on how long an employee will need to remain away from work if exhibiting symptoms.

# Section 11 - Family and Medical Leave and Sick Leave

**Recommendations:** Current policy and procedures apply.

**Advanced Planning:** Agencies need to ensure that family medical leave administration is encompassed in the essential human resource management functions.

City of Baltimore employees may use medical leave pursuant to their current rights under:

- Family and Medical Leave Act (FMLA) – 29 Code of Federal Regulations
- City of Baltimore Family Medical Leave – AM – 203-2
- Maryland Healthy Working Families Act (“Sick and Safe Leave”)- Md. Code Labor & Employment §3-1304
- Applicable Civil Service Rules
- Respective Memoranda of Understanding

During a COVID-19 emergency, employees may need assistance to determine what leave applies to their situation. Please contact agency Human Resources staff.

## Section 12 - Return to Work Authorization

**Recommendation:** *Procedural.* During a COVID-19 emergency, as a general rule, medical certifications for return to work may not be required if related to COVID-19. Employees may be required to return to different work sites and to different work duties.

**Advanced Planning:** Managerial and HR practitioner training.

In the event the Mayor, after consultation with the Health Commissioner, declares a COVID-19 emergency, the following procedures will be in effect for the duration of the emergency.

Returning from Leave: In the event that an employee is ready to return to work from a leave (paid, unpaid, or military) the following procedures shall apply:

- A. The employee who is ready to return from leave shall contact his/her supervisor (or a person acting in his/her capacity) for instructions on when and where the employee should return for assignment, provided an assignment is available. Contact shall be made in the manner deemed appropriate by the department.
- B. The supervisor shall inform the employee as to whether or not the employee's return to work is authorized.<sup>6</sup> If it is authorized, the employee should be informed of his/her work location. The supervisor shall also inform the employee if the work schedule, shift and specific work assignments are different from the employee's regular assignment.
- C. In administering this section, medical certifications may not be required.
- D. After the emergency, the requirements for the employee to provide a medical release/return to work verification form from a health care professional will be restored, unless otherwise notified by the employee's supervisor.

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<sup>6</sup> See Section 10 of this plan for a discussion on sending symptomatic employees home. Of note, if the employee returns to work and appears symptomatic, the supervisor may send the employee back home.

# Section 13 - Emergency Advanced Sick Leave and Leave Donations

## Advanced Sick Leave

**Recommendations:** Employees without leave may borrow from future leave earnings.

**Advanced Planning:** None.

A permanent employee (full-time or part-time) without leave who is unable to return to work because of illness during this declared emergency, may request to borrow from future leave earnings. The employee's Agency Head, or designee must approve the request for advance sick leave. The maximum amount of advanced sick leave that may be granted is fifteen (15) days. If leave is advanced to an employee during a declared emergency, repayment must be at the rate of 50% of any future leave earned.

## Leave Donations

**Recommendations:** Employees without leave may borrow from a sick leave bank based on an applicable Memoranda of Understanding.

**Advanced Planning:** None.

Some Memoranda of Understanding provide for a sick leave bank to employees. Utilization of the sick leave bank is arranged via the union. Employees without access to a sick leave bank may be eligible for sick leave donations in accordance with AM-203-3. Extended leave must be utilized prior to applying for sick leave donations.

# Section 14 - Facility Closure

**Recommendations:** The City may currently affect facility closures and layoffs as necessary to meet business needs.

**Advanced Planning:** Human Resources will review standard layoff template letters and update as necessary to address a COVID-19 emergency.

Administrative offices and City of Baltimore operations will remain open during emergency situations that do not pose an immediate life, health, or safety risk to its occupants unless directed otherwise by the Mayor in consultation with the Health Commissioner. Decisions as to facility closures will be made on a case-by-case basis, in conjunction with the Mayor's office and Health Commissioner.

- A. Because of potential staffing shortages, employees may be deployed to provide support for City operations in alternative worksites and should expect to come to work.
- B. In the case of closure of specific offices, employees will be sent home as a last resort.
- C. When an agency's operations close during the workday, or employees are ordered to leave the premises by their agency head because of safety concerns, employees (regular, temporary, and probationary) who reported to work will be paid for the normally scheduled workday.

# Section 15 - Discipline - Conduct, Including Unauthorized Absences

**Recommendation:** Processing of disciplinary action may need to be held in abeyance pending a return to normal business operations.

**Advanced Planning:** Employees should be informed that they are expected to report for work and that the consequence for not doing so may result in disciplinary action.

The City of Baltimore's commitment to public service will be the cornerstone to holding the function of our community together. In order to fulfill service to the public, all able employees are expected to report for work and perform duties, unless directed otherwise. Held to the highest standard are first responders - those employees who exercise civil authority and maintain the safety and well-being of City citizens.

Unfortunately, there may be occasions during the emergency when employee misconduct or unexcused absenteeism arise and need to be addressed. In some cases, that will mean discipline.

A. **Disciplinary Action:** The type and level of disciplinary action will be determined by the nature and severity of the behavior and/or performance deficiency that led to the disciplinary action.

Prior to proposing or implementing disciplinary action, managers and supervisors should first consult with their human resources representative. These persons will assist the department in a review of pertinent facts and decisions regarding disciplinary action processing. This will also help to ensure that employees throughout the City are treated equitably.

1. Any disciplinary suspension or termination for an employee's misconduct will be documented in the form of written correspondence by the appointing authority and a copy will be provided to the employee and the employee's union representative. The correspondence will set forth the dates of the employee's alleged misconduct, noting when the proposal will be processed, and when the employee will have an opportunity to be heard, as set forth below.
2. Processing of disciplinary actions for employees who are alleged to have engaged in misconduct may be held in abeyance, to the extent practicable, pending the City's return to normal business operations.
3. Permission leave approved by the Office of the Labor Commissioner remains available for departments to utilize when departments determine that an employee should not return to work pending the outcome of the disciplinary process.

B. **Disciplinary Action for Unauthorized Absences:** An unauthorized absence means the absence of an employee from duty without specific authorization. Authorization is obtained via the notification and approval method prescribed by the department in which the employee is employed. Certain unauthorized absences during a COVID-19 emergency may result in a loss of pay and/or disciplinary action, up to and including termination.



## 1. Pay

a. Employees will not be paid for any time that they are absent from work without approved leave.

## 2. Disciplinary Action

a. Unauthorized absences during this period when the City's emergency operations plan is in effect may subject the employee to discipline up to and including termination.

b. Any disciplinary suspension or termination for an employee's unapproved leave of absence will be documented in the form of written correspondence by the appointing authority and a copy will be provided to the employee and the employee's union representative. The correspondence will set forth the dates of the employee's unapproved absence, noting when the proposal will be processed, and when the employee will have an opportunity to be heard, as set forth below.

3. Processing of disciplinary actions for employees who are alleged to be absent without approved leave may be held in abeyance, to the extent practicable, pending the City's return to normal business operations. Permission leave approved by the Office of the Labor Commissioner remains available for departments to utilize when departments determine that an employee should not return to work pending the outcome of the disciplinary process.

4. Mitigating circumstances underlying the unauthorized absence may be taken into consideration in any analysis of disciplinary action proposals, including termination. Incidents will be reviewed on a case-by-case basis.

5. Should an employee's unauthorized absence from work for a period of three consecutive days be sustained and no compelling mitigating circumstances exist, such may be considered as abandonment of the employee's position with the City. An employee who abandons his or her position may be subject to termination.

6. Action on grievances may be suspended until the Mayor announces a return to normal procedure.

# Section 16 - Communication and Consistent Messaging

**Recommendations:** This section sets forth many useful reminders and suggestions on effective communication.

**Advanced Planning:** Agencies not only need to identify essential employees and external stakeholders, but the methods that will be used to communicate with them. Agencies, working through the Office of the Labor Commissioner, who will communicate to labor unions and employees that certain provisions of their respective Memoranda of Understanding may be suspended.

One of the key elements in responding to any disaster, including a COVID-19 emergency, is effective and timely communication. City of Baltimore agencies must plan their internal communications strategies before a crisis occurs. Sound and thoughtful communications will be required before, during, and after a COVID-19 emergency. This section provides guidance on internal communications planning and strategies.

The Mayor's Office of Communications, in coordination with Baltimore City Health Department, is the lead agency with respect to communications regarding COVID-19. Consequently, when communicating to employees, agencies should coordinate closely with the Mayor's Office, their department's designated spokesperson, and the Health Department to ensure that citywide messages align.

## A. Core Communications Goals

- Provide clear, consistent, candid communications to employees, agencies, and the public.
- Apply this goal to communications at every level of the organization – from the Mayor's Office throughout the agencies and to the public.

As agencies contemplate and develop communications, they should adhere to these guidelines:

- There will be a great demand for accurate and timely information that will provide guidance and ease anxiety. There will be a need to build and maintain trust.
- Know your stakeholders, and develop a communications strategy for each one. Different types of information will need to be communicated to different audiences.
- Basic messages may change over the duration of the emergency. Agencies will need to develop a phased communications plan that can be partially or fully implemented as needed.
- There may be a need to counteract the circulation of conflicting information, misinformation, and rumors.
- Communicate consistently and frequently. Even when there is seemingly no new

information to share, it is good to say that to allay fears.

B. Assessing Agency Communications Resources and Needs - Before a potential COVID-19 emergency strikes, Agencies shall assess their communications strengths and weaknesses.

### 1. City Agency Communications Resources

- Determine whether adequate human resources are available during all phases of a COVID-19 emergency. Remember, a COVID-19 emergency may last for several months. Agencies must ensure that they will have the people available to implement a sustained communications plan. Prepare for resource contingencies by training extra staff for emergency communications responsibilities.
- Identify a spokesperson for disseminating information to City employees.
- Communicate which employees have authority to issue news releases or communicate with the media.
- Schedule crisis communication training for all employees who will have a communications role.
- Establish procedures that will ensure technology such as networks and servers are readily available, tested, and backed up. Ensure access to laptops, fax machines and other hardware for appropriate personnel. Provide risk communications priority over standard business use.<sup>7</sup>

### 2. Agency Communications Needs

- Develop and regularly review a COVID-19 emergency communications plan.
- Develop policies to implement the communications plan and to deploy resources during a COVID-19 emergency.
- Familiarize key management with available communications resources.
- Prepare basic templates and other communications materials in advance, and update them during a COVID-19 emergency as needed.
- Monitor the effectiveness of communication messages, vehicles, and timing, refining them as necessary.

C. By educating your employees through early and ongoing communications, Agencies can reassure their employees and assist in protecting their health.

1. The City and Agencies should tell employees about the threat of a COVID-19 emergency, and describe the steps they are taking to prepare for it.<sup>8</sup>
2. The City and Agencies should communicate potential changes to personnel policies

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<sup>7</sup> See Section 6 of this plan for guidance on teleworking.

<sup>8</sup> Baltimore City Health Department will provide guidance and information on the COVID-19 threat.

located in this plan in response to a COVID-19 emergency and must emphasize that these changes apply only to the emergency response, not for routine operation.

3. Agencies should communicate changes in business culture in response to a COVID-19 emergency. Changes may include social distancing, increase in teleworking, or suspension of non-essential functions.

4. Agencies should communicate the importance of staying home if employees are ill or are showing symptoms of COVID-19.

5. Agencies should distribute practical information on maintaining a healthy work environment. For example, the Baltimore City Health Department, the Maryland Department of Health and Mental Hygiene and the Centers for Disease Control (CDC) provide materials that demonstrate the simple steps employees can take to protect themselves and their families. Materials are also available that illustrate good respiratory hygiene and describe the signs and symptoms of the COVID-19.

**The Baltimore City Health Department has important information and FAQs at the websites listed below:**

- <https://health.baltimorecity.gov/novel-coronavirus-2019-ncov>

**The State of Maryland Department of Health also offers valuable information, visit their website at:**

- <https://phpa.health.maryland.gov/Pages/Novel-coronavirus.aspx>

**For further information on this topic, visit the CDC website at:**

- <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Agencies should recognize that a COVID-19 emergency may provide physical, social, and emotional challenges for employees. Morale building communications will be essential.

D. In order to maintain business continuity and to ensure efficient communications, agencies should:

1. Identify and communicate the department's critical functions and the employees who can perform them. Build depth through cross training. Build in the redundancy necessary to ensure that essential work will be done.
2. Ensure that authority, such as hiring or purchasing, is delegated to appropriate employees and that such authority is fully communicated.
3. Update employee phone lists and make sure management has access to up-to-date data. Designate staff to ensure this updating is done on a regular basis.
4. Ask employees to update their emergency contact information on a regular basis, at least quarterly or more frequently if necessary. Designate staff to keep this information current.

E. When developing a communication plan, agencies should identify their key internal stakeholders and the methods that will be used to communicate with them. For most agencies, these stakeholders will include:

1. Employees. As detailed earlier in this section, agencies must establish on-going and frequent communications with employees. Plan to implement two or more communications methods which may include an Internet web site, central telephone number with pre-recorded information, central telephone number staffed by informed communications personnel, email, or hard copy (print) materials.
2. Department Management. Agencies will need to communicate business continuity issues and changes to policies and procedures. Again, plan to implement two or more communication methods to ensure the messages are received.
3. City Management. In addition to the "business as usual" communications required, Agencies may need to provide the Mayor's Office or other agencies with a record of decisions made during a COVID-19 emergency and other information such as employee absenteeism rates. Ensure that essential reporting can be maintained. For example, agencies should make sure that staff absenteeism can be monitored and reported.

F. When developing a communication plan, agencies should identify their key external stakeholders and the methods that will be used to communicate with them. For most Agencies, these stakeholders will include:

1. Office of the Labor Commissioner (OLC). Agencies should work through the OLC who must establish on-going and frequent communications with labor representatives. This includes a plan to implement two or more communications methods which may include an Internet web site, central telephone number with pre-recorded information, central telephone number staffed by informed communications personnel, emails or hard copy (print) materials.
2. The Public. Agencies will need to communicate business continuity issues and changes to policies and procedures. Again, plan to implement two or more communications vehicles to ensure the messages are received. Ask for feedback and plan for disability accessibility requirements that may be necessary due to a COVID-19 emergency. These requirements may include additional disability access services or translation services.

# Section 17 - Employee Assistance Program

**Recommendations:** These resources and the process for contact already exist.

**Advanced Planning:** Pre-pandemic briefings may need to occur in order that managers and supervisors are prepared to address the employee stresses that may arise during a crisis and to know when a referral to EAP should occur.

## A. Employee Assistance Program (EAP)

The EAP is a confidential and free benefit provided to all City employees and their dependents through the Department of Human Resources. The program's primary purpose is to assist employees and managers with behavioral and emotional problems that affect productivity.

Employees and their immediate family members may contact the EAP office any time they need help, referrals, or support. Sometimes employees contact EAP on their own, perhaps because they are facing a personal problem or crisis. Sometimes a supervisor recommends the employee contact the Employee Assistance Program. Office hours are Monday through Friday 8:30am until 6:30PM.

Should a COVID-19 emergency occur, a referral to the City of Baltimore Employee Assistance Program (EAP) may be recommended to address personal problems that affect work performance. In particular, a crisis such as a COVID-19 may cause stresses that compromise the effective functioning of a work unit. Further, there may be a need for "Critical Stress Debriefing Sessions" to assist work groups with a particular problem and/or or traumatic events.

## B. Emergency Services:

In the event of a COVID-19, the EAP will implement a triage model for providing services and provide telephonic counseling, referral and support services.

## Section 18 - Workers' Compensation

**Recommendations:** Agencies need to predetermine secondary personnel (most likely the secondary personnel assigned to payroll or the HR Representative) to assume workers' compensation functions.

**Advanced Planning:** Identified secondary staff should begin cross training.

The City of Baltimore is self-insured for workers' compensation claims, and we self-administer those claims following the laws and statutes of the State of Maryland.

Unless notified by the State that the requirements for reporting and payments are waived or modified during a pandemic, Risk Management will continue to follow all applicable laws.

Agencies and division managers, supervisors and employees should continue to report and document injuries and illnesses that are submitted in the same manner that has been followed in the past. Forms are available through the agency Human Resources representative.

For questions, HR Representatives should contact Risk Management at (410) 396-5115.

# Agency Advanced Planning Checklist

## Determine Critical Functions and Personnel

- Predetermine personnel who will perform each of the Priority Functions and Services.
- Identify functions that may be suspended while personnel are assigned to more critical roles.
- Identify secondary personnel who have the skills and abilities to perform other functions.
- Identify other personnel, such as retired employees, former employees, temporary workers, and contract workers who may be available to perform essential functions.
- Identify potential volunteers who have the skills to perform needed departmental functions.

## Succession Planning

- Predetermine the payroll function as a Priority 2 function and have at least two employees cross-trained for the payroll function.
- Predetermine the human resources liaison function as a Priority 2 function and have at least two employees cross-trained for the human resources liaison function.
- Establish and identify a four-employee deep management succession plan, which lists predetermined alternates for key leadership positions in each department.
- Predetermine the individuals who will have the delegated authority to make decisions and communicate that succession plan to the department.
- Provide for alternate lines of succession, if management personnel are unavailable.
- Provide for access to information and needed items to those in the line of succession (e.g., computer passwords, office keys, file cabinet keys, etc.).
- Forward document succession plans to the Office of Emergency Management.

## Review Business Hours, Work Schedules, and Mode of Service Delivery

- Review business hours and work schedules to determine if they can be modified in a manner that best promotes social distancing, business continuity, or other pandemic response goals during an emergency.
- Identify essential functions that may be accomplished via teleworking and whether the function needs access to all systems and applications or only email and/or voice communications.
- Identify technical planning methods such as the World-Wide-Web (www) and Virtual



Private Network (VPN) to be implemented prior to a COVID-19 emergency.

### **Develop a Communications Plan**

- The Mayor's Office of Communications, in coordination with Baltimore City Health Department, is the lead agency with respect to communications regarding COVID-19.
- Agencies should coordinate with the Mayor's Office of Communications in disseminating information to employees about the threat of a COVID-19 emergency, and describe the steps the City is taking.
- Distribute practical information on maintaining a healthy work environment. Update employee emergency contact information regularly.
- Identify key internal and external stakeholders and the methods that will be used to communicate with them.
- Communicate to labor unions and employees certain provisions such as:
  1. Previously approved vacation, personal leave, compensatory time, leave of absences (other than for sick or family and medical leave purposes) may be rescinded with minimal notice.
  2. Employees may be required to report for work with minimal notice.
  3. Employees' work schedules and/or hours of work may change with minimal notice
  4. Employees may be directed not to report for work.
  5. Employees may be required to work at other locations or telework with minimal notice.
  6. Employees may be assigned overtime with minimal notice.
  7. Employees may be assigned Out-Of-Title minimal notice.
  8. Employees may be assigned to work other duties or to work in other Agencies with minimal notice.

## Resources

Baltimore City Contacts for Emergency Response		
Agency/Office	Location	Telephone #
Baltimore City Health Department	1001 E. Fayette St. Baltimore, MD 21202	443.984.2622
Employee Assistance Program	7 E. Redwood St. 14th Floor Baltimore, MD 21202	410.396.1859
Department of Human Resources	7 E. Redwood St. 17th Floor Baltimore, MD 21202	410.396.3860
Risk Management	401 E. Fayette St. #700 Baltimore, MD 21202	410.396.5115
Baltimore City Office of Information and Technology	401 E. Fayette St. Baltimore, MD 21202	410.396.6648
Mayor's Office of Emergency Management	1201 E. Cold Spring Lane Baltimore, MD 21239	410.396.6188
Office of the Labor Commissioner	417 E. Fayette St. Baltimore, MD 21201	410.396.4365