



PUBLIC EMPLOYMENT RELATIONS BOARD

CONTINUITY OF OPERATIONS PLAN FOR A STATE DISASTER EMERGENCY INVOLVING A COMMUNICABLE DISEASE

Purpose

Pursuant to Chapter 168 of the Laws of 2020, and to ensure the continuation of services provided by the State of New York and the health and safety of the public sector workforce, each New York State agency and authority must prepare a plan for the continuation of operations in the event that the Governor declares a state disaster emergency involving a communicable disease.

Applicable agencies and authorities must post finalized plans by April 1, 2021 in (1) a clear and conspicuous location (e.g., bulletin boards or other similar location where employees normally view information posted by the employer), (2) in their employee handbook if they have one, and (3) on either their intranet or internet website.

Continuity of Operations Plan for a Disaster Emergency Involving a Communicable Disease

Individual(s) Responsible for Maintaining this Plan:

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Date of Posting:

April 1, 2021

Statutory Elements of the Plan:

- A list and description of the types of positions considered essential in the event of a state-ordered reduction of in-person workforce.
 - "Essential" shall refer to a designation made that a public employee is required to be physically present at a worksite to perform his or her job. Such designation may be changed at any time in the sole discretion of the employer.
- A description of protocols the employer will follow for non-essential employees to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed technology, including software, data, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace, and any devices.



PUBLIC EMPLOYMENT RELATIONS BOARD

CONTINUITY OF OPERATIONS PLAN FOR A STATE DISASTER EMERGENCY INVOLVING A COMMUNICABLE DISEASE

- "Non-essential" shall refer to a designation made that a public employee is not required to be physically present at a work site to perform his or her job. Such designation may be changed at any time in the sole discretion of the employer.
- A description of how the employer will, to the extent possible, stagger work shifts of essential employees in order to reduce overcrowding on public transportation systems and at worksites.
- A description of the protocol that the employer will implement in order to procure the appropriate personal protective equipment for essential employees, based upon the various tasks and needs of such employees, in a quantity sufficient to provide personal protective equipment to each essential employee during any given work shift. Such description shall also include a plan for storage of such equipment to prevent degradation and permit immediate access in the event of an emergency declaration.
- A description of the protocol in the event an employee is exposed to a known case of the communicable disease that is the subject of the state disaster emergency, exhibits symptoms of such disease, or tests positive for such disease in order to prevent the spread or contraction of such disease in the workplace. Such protocol shall also detail actions to be taken to immediately and thoroughly disinfect the work area of any employee known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee may have touched, and the employer policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine. Such protocol shall not involve any action that would violate any existing federal, state, or local law, including regarding sick leave or health information privacy.
- A protocol for documenting hours and work locations, including off-site visits, for essential employees. Such protocol shall be designed only to aid in tracking of the disease and to identify the population of exposed employees in order to facilitate the provision of any benefits which may be available to certain employees on that basis.
- A protocol for how the public employer will work with such employer's locality to identify sites for emergency housing for essential employees in order to further contain the spread of the communicable disease that is the subject of the declared emergency, to the extent applicable to the needs of the workplace.

Any other public health requirements determined by the New York State Department of Health (DOH) that are designed to reduce transmission of infectious diseases, such as face coverings, contact tracing, diagnostic testing, social distancing, hand and respiratory hygiene, and cleaning and disinfection protocols.



PUBLIC EMPLOYMENT RELATIONS BOARD

CONTINUITY OF OPERATIONS PLAN FOR A STATE DISASTER EMERGENCY INVOLVING A COMMUNICABLE DISEASE

A. Essential Personnel

What are the positions your agency or authority considers essential in the event of a state-ordered reduction of your in-person workforce? Please provide a list and description of the types of positions.

Board Chair: The Chair is the head of the agency.

Executive Director: The Executive Director, among other responsibilities, oversees all administrative functions of the agency. While it is not necessary for the Chair or the Executive Director to report to the PERB offices every day under a declared state disaster emergency, they will need to do so periodically.

B. Telecommuting

What are the protocols your agency or authority will follow for non-essential employees to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed technology, including software, data, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace, and any devices? Please provide a description of these protocols as follows:

- Protocol for telecommuting;
- Protocol for procurement, distribution, downloading and installation of needed technology; and
- Protocol for phone coverage and transfer of office phone lines to work or personal cell phones.

In the event of a declared state disaster emergency, PERB will implement protocols for telecommuting as outlined in the current GOER pilot program or as otherwise directed by that agency. The technology required for implementing these telecommuting protocols is in place and will be maintained on an ongoing basis. Office phones will be forwarded to designated support staff. In the event that support staff of a particular office or department is not available to receive phone calls on their mobile or personal telephone, a member of the professional staff will be designated to receive calls.

PERB will periodically assess its technology needs for telecommuting an work with ITS to ensure that appropriate information technology resources are available.

C. Work Shifts/Schedules

How will your agency or authority, to the extent possible, stagger work shifts or adjust work hours of essential employees in order to reduce overcrowding on public transportation systems and at worksites? Consider the following in developing your work shift/schedule adjustments, if applicable:

- *Will you need to alter working hours/shifts/schedules of essential employees?*
- *Will you need to split shifts or change operations to different days of the week?*
- *How will you manage engagement between employees and any clients and/or visitors at the worksite, accounting for physical distancing requirements, as applicable?*
- *How will you promote physical/social distancing in this type of operation or work setting?*



PUBLIC EMPLOYMENT RELATIONS BOARD

CONTINUITY OF OPERATIONS PLAN FOR A STATE DISASTER EMERGENCY INVOLVING A COMMUNICABLE DISEASE

- *What common situations that may not readily allow for 6 feet of distance between individuals exist at the worksite (including employees, clients and essential visitors)?*

PERB has designated only two employees as essential and it is anticipated that they would not necessarily need to report on-site on a daily basis. Work hours will be adjusted as appropriate balanced by agency need and health and safety considerations.

D. Personal Protective Equipment

What is the protocol your agency or authority will implement in order to procure the appropriate personal protective equipment (PPE) for essential employees, based upon the various tasks and needs of such employees, in a quantity sufficient to provide personal protective equipment to each essential employee during any given work shift? You should consider different job groupings or responsibilities (e.g., patient/direct care, public-facing positions) when describing the protocol. Also, consider the following in developing your protocol:

- *What is your plan for storage of such PPE to prevent degradation and permit immediate access in the event of an emergency declaration?*
- *What will be your protocol for cleaning and/or disposal of PPE, to the extent applicable?*
- *How will you train employees on how to put on, take off, clean and disinfect (as applicable) and discard PPE?*
- *What is your plan for posting signage to remind employees of appropriate use of PPE?*

PERB maintains, and will continue to maintain, adequate supplies of PPE. These include disposable face masks and latex gloves. Staff will be trained in the appropriate donning, doffing, cleaning (as appropriate) and disposal of PPE. Signage provided by OGS has been posted as a result of the Covid-19 pandemic. In any future event PERB will use signage provided by OGS. If none is available from OGS, signage will be created internally based on guidance provided by DOH. PERB's Administrative Officer and Executive Director will be responsible to ensure PPE needs are met; stored; inspected; rotated and protected from degradation.

The amount of PPE to be provided will be dependent on the communicable disease that causes a future state disaster emergency.

E. Exposure Protocol

What is the protocol in the event an employee is exposed to a known case of the communicable disease that is the subject of the state disaster emergency, exhibits symptoms of such disease, or tests positive for such disease in order to prevent the spread or contraction of such disease in the workplace? Current requirements under the COVID-19 disaster emergency, as follows, should be taken into account in the description of your protocol:

- Implement mandatory remote or in-person daily health screening for COVID-19 contact or symptoms (e.g., questionnaire, temperature check) for in-person employees at or near the beginning of each workday.
- Coordinate screening to prevent employees from intermingling in close contact with each other prior to completion of the screening.



PUBLIC EMPLOYMENT RELATIONS BOARD

CONTINUITY OF OPERATIONS PLAN FOR A STATE DISASTER EMERGENCY INVOLVING A COMMUNICABLE DISEASE

- Ensure agency/authority is following all screening, testing, and tracing procedures as outlined in the applicable DOH guidance, including instructions to employees on when to return home and when to return to work.
- Ensure screening staff are trained supervisory-level employees or health care professionals, wearing appropriate personal protective equipment including at least a face covering and gloves, if the screening involves contact.
- Maintain a record of all staff who are screened, as well as if screening was passed or if the staff member was instructed to return home, provided no other health information is recorded or maintained. Record must be reviewed and secured on a daily basis.
- Designate a worksite-level safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan.
- Where practicable, maintain a log of every person, including employees and visitors, who may have close contact with other individuals at the worksite or area, excluding deliveries that are performed with appropriate PPE or through contactless means.

Further, agencies/authorities and staff must abide by all additional directives from the Director of State Operations and Infrastructure memorandum, entitled, "[Employee Testing and Evaluation Protocols for COVID-19](#)," which includes cleaning and disinfecting protocols, as well as notification to health officials and potential employee contacts.

PERB will continue to use the online health screening application available to state employees. If similar emergency declarations occur in the future and such an application is not made available, PERB will implement a similar internal protocol to be coordinated by the Executive Director and the Administrative Officer in the Office of Administration. Touch free thermometers will be available at all three PERB office locations.

Records of when employees are scheduled to report to the office, or when they need to report outside of normal schedule, will be maintained by the Office of Administration using electronic calendars and/or other digital records. The Executive Director, with the assistance from the Administrative Officer, is ultimately responsible for monitoring compliance with safety protocols.

It is currently standard procedure to record any on-site visitors at any PERB office. In the event of a declared emergency, on-site visits will be strictly limited. PERB has established procedures that allow for virtual mediations, pre-hearing conferences, hearings, and other business matters that allow the work of the agency to continue as employees work remotely.

In the event an employee cannot report to work due to exposure, leave granted by GOER will be applied as outlined by any direction received from that agency. If an employee is able to work remotely under the telecommuting protocols in place at the time, that option will be given consideration. Alternatively, an employee will be permitted to use accrued leave according to standard attendance and leave policies. Any supervisor with questions about these leave protocols should contact the Executive Director.

PERB will utilize engineering controls, safe work practices and PPE in order to minimize exposure in a future state disaster emergency caused by a communicable disease which will be dependent on the communicable disease that causes such disaster emergency.



PUBLIC EMPLOYMENT RELATIONS BOARD

CONTINUITY OF OPERATIONS PLAN FOR A STATE DISASTER EMERGENCY INVOLVING A COMMUNICABLE DISEASE

PERB will provide periodic updates, as information becomes available, on the communicable disease and its transmission as part of its exposure protocols in order to assist with reducing transmission.

PERB will instruct employees not to report to any facility where isolation is necessary due to exposure until the workspace can be cleaned and sanitized.

- *What actions will be taken to immediately and thoroughly disinfect the work area of any employee known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee may have touched? What is your policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine?*

While the amount and types of leave available to an employee will be dependent on the particular disaster emergency that has been declared and any provisions of law that provide for leave under such circumstances, during the COVID-19 pandemic an employee's leave options included GOER quarantine leave, other applicable State policy, leave provided under the Families First Coronavirus Response Act and an employee's own leave accruals. Policy on available leaves will be established by the Department of Civil Service and/or GOER who shall provide guidance to PERB on how to instruct employees about available leaves.

F. Protocol for Documenting Work Hours/Locations

How will your agency or authority document hours and work locations, including off-site visits, for essential employees? Your protocol shall be designed only to aid in tracking of the disease and to identify the population of exposed employees in order to facilitate the provision of any benefits which may be available to certain employees on that basis. You should also consider the following questions in describing your protocol:

- *How will these records be maintained?*
- *Who is responsible for maintaining these records?*
- *Who will be in charge of accessing these records for the purposes of disease tracking and identifying potential exposures?*
- *If these records are in paper form, what are your protocols for preserving these records?*

As only two employees are designated as essential, these hours and locations will be communicated directly and recorded electronically by the Office of Administration and PERB. These records will be kept confidential and only accessed for purposes of contact tracing if necessary.

The Executive Director and Administrative Officer will coordinate isolation and contact tracing of employees as necessary.

G. Protocol for Identifying Emergency Housing for Essential Employees

How will you work with local officials to identify sites for emergency housing for essential employees in order to further contain the spread of the communicable disease that is the subject of the declared emergency, to the extent applicable to the needs of the workplace?



PUBLIC EMPLOYMENT RELATIONS BOARD

CONTINUITY OF OPERATIONS PLAN FOR A STATE DISASTER EMERGENCY INVOLVING A COMMUNICABLE DISEASE

PERB's Executive Director Jonathan O'Rourke will be the point of contact for the identification of emergency housing for essential employees. Mr. O'Rourke will be responsible for contacting county and local elected officials, owners/operators of local hotels and similar establishments, and local college and university officials (both public and private) to develop information about the local availability of emergency housing for essential employees. Emergency housing opportunities, once developed, will be communicated to employees who may be in need of such housing.

H. Other Requirements Determined by the NYS DOH

- Current DOH guidelines for COVID-19 are as follows and will be modified depending on the particular emergency declared.
 - Ensure a distance of at least 6 feet is maintained among employees at all times, unless safety of the core activity requires a shorter distance (e.g., moving and lifting equipment). Any time an employee must come within 6 feet of another person, the employee and person should wear acceptable face coverings.
 - When distancing is not feasible between workstations or areas, provide and require the use of face coverings or erect physical barriers, such as plastic shielding walls, in lieu of face coverings in areas where they would not affect air flow, heating, cooling, or ventilation.
 - Tightly confined spaces should be occupied by only one individual at a time, unless all occupants are wearing face coverings. If occupied by more than one person, occupancy will be kept under 50% of maximum capacity.
 - Social distancing markers should be posted around the workplace using tape or signs that indicate 6 feet of spacing in commonly used areas and any areas in which lines are commonly formed or people may congregate (e.g., clock in/out stations, health screening stations, break rooms, water coolers, etc.). Further, bi-directional foot traffic should be reduced by using tape or signs with arrows in narrow aisles, hallways or spaces.
 - Post signs, consistent with the DOH COVID-19 signage, to remind employees about social distancing, hand hygiene, PPE, and cleaning guidelines.
 - Limit employee travel for work to only essential travel.
 - Hygiene and sanitation requirements from the Centers for Disease Control and Prevention (CDC) and DOH must be followed, and cleaning logs that include the date, time, and scope of cleaning must be maintained.
 - Hand hygiene stations, including handwashing with soap, water, and disposable paper towels, as well as NYS Clean hand sanitizer or a hand sanitizer containing 60% or more alcohol for areas where handwashing facilities may not be available or practical, must be provided and maintained for personnel.
 - Appropriate cleaning/disinfection supplies for shared and frequently touched surfaces must be provided, and employees must use these supplies before and after use of these surfaces, followed by hand hygiene.



PUBLIC EMPLOYMENT RELATIONS BOARD

CONTINUITY OF OPERATIONS PLAN FOR A STATE DISASTER EMERGENCY INVOLVING A COMMUNICABLE DISEASE

- Regular cleaning and disinfection of the office location must be undertaken. More frequent cleaning and disinfection must be undertaken for high risk areas used by many individuals and for frequently touched surfaces, at least after each shift, daily, or more frequently as needed, and align with DOH's "Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19".
- Exposed areas must be cleaned and disinfected in the event of an employee testing positive for COVID-19. Such cleaning should include, at a minimum, all heavy transit areas and high-touch surfaces (e.g., vending machines, handrails, bathrooms, doorknobs, etc.).
- CDC guidelines on "Cleaning and Disinfecting Your Facility" should be complied with if someone in your facility is suspected or confirmed to have COVID-19.
- Agencies/authorities must have internally identified key points of contact including but not limited to site safety monitors, individuals responsible for monitoring compliance with this plan and central points of contact who will coordinate efforts to notify appropriate health authorities of positive cases and assist with required contact tracing.

PERB will follow any and all additional requirements or guidance promulgated by the NYS Department of Health.

PERB will also comply with all executive orders and emergency regulations related to the state disaster emergency.