GENERAL ADMINISTRATION
EMPLOYEE

045 LEAVE

045.9 Public Health Emergency Threat Policy

045.9.1 Purpose

This policy establishes guidelines to protect the health of Human Services Department (HSD) employees and the public and to provide continuity of services to the citizens during the time of a pandemic illness.

045.9.2 Definitions

A. "Affected Area" means a geographical area or location which has been identified by the New Mexico Department of Health as where persons are known to have been exposed to or infected with, or who are reasonably suspected to have been exposed to or infected with a Threatening Communicable Disease reside or may be located.

B. "Continuity of Operations Plan" means HSD's plan which establishes guidance to ensure the execution of mission essential functions under all circumstances. It includes defining the orders of succession, evacuation and notification procedures, alternate facilities, interoperable communications, and database protection.

C. "Domestic Partner" means a person related to an employee where the employee and the partner presently can affirm that:

1. the partners are in an exclusive and committed relationship for the benefit of each other, and the relationship is the same as, or similar to, a marriage relationship in the state of New Mexico;
2. the partners share a primary residence and have done so for twelve or more consecutive months;
3. the partners are jointly responsible for each other's common welfare and share financial obligations;
4. neither partner is married or a member of another domestic partnership;
5. both partners are at least 18 years of age;
6. the partners are not related by blood to a degree of closeness that would prevent them from being married to each other in the state of New Mexico.

D. "Eligible employee" means a permanent, term, or temporary HSD employee.

E. "Enhanced Public Health Advisory" means an advisory issued by the Governor pursuant to 12-10A-1 through 12-10A-19 NMSA. The statute defines such an

advisory as one issued by the Governor, after consultation with the Secretary of Health, if the Governor has reasonable cause to believe that a Public Health Emergency may occur.

F. "Public Health Emergency" means a declared emergency by the Governor pursuant to 12-10A-1 through 12-10A-19 NMSA. The statute defines such an emergency as the occurrence or imminent threat of exposure to an extremely dangerous condition or a highly infectious or toxic agent, including a threatening communicable disease, which poses an imminent threat of substantial harm to the population of the state of New Mexico or any portion thereof.

G. "Relation by blood or marriage within the third degree" includes spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, domestic partner children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent.

H. "Social distancing" means certain measures taken to reduce the contact between people in the community and the workplace.

I. "Teleworking" means working at an alternate work site.

J. "Threatening Communicable Disease" means a disease that causes death or great bodily harm that passes from one person to another and for which there are no means by which the public can reasonably avoid the risk of contracting the disease.

045.9.3 Policy

A. During an Enhanced Public Health Advisory, a Public Health Emergency or in response to a specific incident, it is HSD's policy to permit eligible employees to attend to the medical needs of self or a member within the third degree of relationship residing in an Affected Area. HSD may also require employees who are exposed to or infected with a Threatening Communicable Disease to leave, or not come to, the office. This policy may provide up to 40 hours of paid administrative leave per year when an Enhanced Public Health Advisory or State of Public Health Emergency has been declared. Temporary or part-time employees may be eligible for paid administrative leave under these conditions but may not exceed the number of work hours normally scheduled per week. Use of this policy is intended for illness directly related to a Public Health Emergency.

B. This policy can be partially or fully implemented upon an announced Enhanced Public Health Advisory or declaration of a State of Public Health Emergency, or in response to a specific incident. HSD's Cabinet Secretary or his/her designee has the authority to implement all or select provisions of this policy and to grant exceptions on a case-by-case basis in order to ensure use in the intended manner and to meet the

unique operational requirements of any situation.

C. Employees who become ill prior to an announced Enhanced Public Health Advisory or a formal declaration of a State of Public Health Emergency are subject to existing HSD policies with respect to those days of illness prior to the announced Advisory or declared Emergency. Supervisors should encourage these employees to use existing leave to attend to their medical needs.

D. Employees whose illness and/or isolation extend beyond 40 hours of paid administrative leave will not be paid for additional administrative leave. They may use existing accrued leave and apply for Family Medical Leave.

E. If the Enhanced Public Health Advisory or Public Health Emergency requires the closing of an office, employees may be compensated in accordance with this policy.

F. During an Enhanced Public Health Advisory or Public Health Emergency, Divisions/Offices should direct ill employees to leave the workplace and attend to their medical needs. Time away from the job site to comply with this directive shall be applied toward the 40 hours of pre-authorized administrative leave. An employee's refusal to leave the workplace under these circumstances may result in disciplinary action.

G. Upon the DOH Cabinet Secretary's determination of the possibility of a Public Health Emergency but prior to a formal announcement, HSD will:

1. Remain open for business and all employees are expected to report to work as usual.

2. Review its Continuity of Operations Plan (COOP) and definition of mission critical functions and personnel, with back-up cross-training in place.

3. Consider teleworking agreements for employees who can work at alternate locations to further promote social distancing. Working at home may be considered if recommended by the supervisor, the Division Director, and authorized by the HSD Secretary.

4. Consider expanding the use of alternative work schedules to reduce employee contact.

5. Temporarily reassign employees as needed to minimize critical staffing deficiencies.

045.9.4 Procedures

A. In order to qualify for paid administrative leave during an Enhanced Public Health Advisory or a Public Health Emergency, an employee must submit to their supervisor

a written leave request. Divisions should assist the employee in the completion and submission of this request.

B. HSD may require that one or more of the following conditions be met in order to qualify for paid administrative leave during an Enhanced Public Health Advisory or a Public Health Emergency:

1. A Certification of Health Care Provider form to confirm the diagnosis of a Threatening Communicable Disease that requires isolation and/or medical attention for a specified period of time.

2. A Certification of Health Care Provider form to confirm the employee's exposure to a Threatening Communicable Disease and recommend removal from the workplace for a specified period of time.

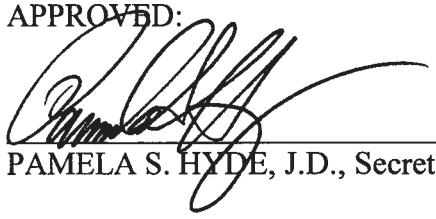
3. A Certification of Health Care Provider form to confirm that an eligible member of an employee's relationship within the third degree is diagnosed with a Threatening Communicable Disease.

C. Employees that have recovered from exposure to a Threatening Communicable Disease may be required to provide a release from a health care provider to confirm that the employee no longer poses a threat of passing the communicable disease to other employees or the public. An employee who has recovered and fails to return to work is considered Absent Without Leave (AWOL) and is subject to disciplinary action.

045.9.5 References

HSD's Continuity of Operations Plan (COOP)
12-10A-1 through 12-10A-19, NMSA, Public Health Emergency Response
HSD Alternative Work Schedules Policy
HSD Teleworking Policy

APPROVED: DATE:



PAMELA S. HYDE, J.D., Secretary

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