



Cochise County Judicial System

Policy Title: Attendance During Influenza or Another Viral Pandemic

Policy Number: 2008

Effective: March 1, 2021

Last Reviewed/Updated: February 22, 2021

I. Background

An Influenza or Another Viral Pandemic refers to a worldwide outbreak, determined by the Centers for Disease Control (CDC), of influenza or other viral illness among people when a new strain of the virus emerges that could infect humans and spread from person to person. During the early phases of a pandemic influenza or virus, people might not have any natural immunity to the new strain; so, the disease would spread rapidly among the population. Pandemics can vary in severity from something that seems simply like a bad flu season to an especially severe influenza or another viral pandemic that could lead to high levels of illness, death, social disruption and economic loss.

II. Application of Leave Policies

Except as noted in this policy, all procedures governing paid and unpaid leave remain in effect and are governed by the Cochise County Human Resources Policies. During pandemic situations, the Court Administrator or designee is granted authority to direct the Human Resources Department to grant other unforeseen waivers as the need arises.

III. Temporary Attendance Policy

In order to aid in protecting the health and safety of employees, the Cochise County Judicial System (CCJS) shall implement the following **temporary** attendance procedures specific to employees who exhibit respiratory like illness during a pandemic outbreak, as identified by Cochise County Health Department.

- A. Employees, volunteers, interns, and contractors exhibiting any pandemic symptoms must not come to work.
- B. Employees shall notify their immediate supervisor or authorized department representative if they are ill. Departments may establish alternate call-in procedures in the case of a pandemic.
- C. During a pandemic, Public Health shall work with positive-test individuals to determine, with their medical team, when isolation can be discontinued. If an employee or household member have a respiratory-like illness, but have not tested for the specific pandemic virus,

then employees shall follow the appropriate CDC isolation guidance until symptoms have improved.

- D. Department Directors, managers and supervisors or designees have the responsibility to ensure the workplace is safe, and as a result, have the authority to send home employees who display respiratory-like symptoms. To avoid further contaminating the workplace, an employee must leave work when directed to do so by Department Director or designee. Failure to do so, to include delayed and resistant departure, may result in disciplinary action up to and including dismissal.
- E. Use of leave for a pandemic or viral condition may include the use of accrued sick, accrued compensatory time, accrued personal leave, and other pandemic leave available by law as well as leave of absence without pay. Any associated personnel policies that establish time frame and purposes for use of leave accruals are waived for the purposes of respiratory-like symptoms, to include probationary employees.
- F. Those employees who have exhausted leave banks must be placed in a leave of absence without pay status in the best interest of the County or for humanitarian/personal reasons. The employee's consent in such instance is waived. Full-time employees who have exhausted leave banks, may, with approval from their Department Director or designee, request an advance on personal leave to be repaid with future accrued personal leave, not to exceed eighty (80) hours per year.
- G. The requirement for a physician's verification for those who are absent for more than three (3) days is waived, unless the Public Health Department recommends medical clearance during a specific event. This will allow doctors, clinics and hospitals to attend to the very ill instead of those who simply need a physician's verification of an illness.
- H. Pursuant to Federal law, Human Resources must be notified when an absence is for more than three (3) days so that it can be determined if the employee has a serious health condition that falls under the Family and Medical Leave Act (FMLA). ***FMLA is not automatic for a pandemic influenza or virus, unless specifically permitted through federal legislation.*** A serious health condition as defined under the FMLA requires inpatient care or a period of incapacity for more than three (3) consecutive calendar days and any subsequent treatment. This includes care for eligible family members. Cochise County Judicial Human Resources and/or Cochise County Department of Human Resources is the only authority for Cochise County to render a decision on a serious health condition. A decision will be made on a case-by-case basis.

If a serious health condition does not exist, then further verification may be waived, particularly since it has been stated that illness from the pandemic or virus may last up to 14 days. If it is determined that the employee has a serious health condition, FMLA leave may apply and the requirement for requesting a doctor's certificate cannot be waived. In all cases involving more than three (3) days of absence, the department must continue to notify the Judicial Human Resources Director or designee following normal procedures.

- I. In the case where an employee's child is healthy and the child's school is closed, the Department Director may approve sick leave, personal leave or the use of compensatory time.
- J. The Board of Supervisors or an Elected Official may determine from information provided by the Health Department whether a work site or public facility within the Officials span of control is infected and if the work site or public facility must be shut down.
- K. Customer service employees shall be allowed to mitigate risks in public interactions by replacing face-to-face meetings with virtual communications and services. A Visitor Screening Protocol may be established in accordance with Public Health, CDC and Arizona Supreme Court recommendations.
- L. Special attention should be paid to infection control practices. Frequent handwashing, social distancing of six (6) feet or more, wearing of face masks or shields, use of sanitizers, covering coughs and sneezes, and regular cleaning of frequently touched surfaces will reduce possible exposure in the workplace.
- M. When appropriate per CDC, OSHA and Arizona Supreme Court guidelines, PPE shall be provided, and an employee shall wear as directed. Any personally owned/made cloth face covering worn by an employee shall comply with Cochise County Policy, Organizational Expectations and Standards of Conduct, and shall not contain vulgar, offensive or political language and/or images. Face coverings shall not completely conceal an employee's identity. Ski masks and similar coverings shall not be allowed.
- N. Privacy rules apply to information regarding the employee and family members to include the medical condition of the employee and/or family member. The Americans with Disabilities Act (ADA), FMLA and the Health Insurance Portability and Accountability Act (HIPAA) laws protect medical information from being shared without the employee's express and written consent. Also, in addition to FMLA, medical disability and ADA may apply and will be handled on a case-by-case basis.