



Local Governments Mandated to Prepare Detailed Plans Regarding Future Health Disaster Emergencies Involving a Communicable Disease

On Sept. 7, 2020, Governor Cuomo signed into law legislation that requires local governments to plan for future disaster emergencies involving a communicable disease. This law requires all public employers, *including towns*, to prepare a plan for the continuation of operations in the event that the governor declares a public health emergency involving a communicable disease. The plan must include:

- A list of the description of positions and titles considered essential in the event of a state-ordered reduction of in-person workforce, as well as a justification for such consideration;
- A specific description of the protocols the town will follow to enable non-essential employees and contractors;
- A description of how the town will, to the extent possible, stagger shifts of essential personnel in order to reduce overcrowding at worksite and on public transportation;
- A description of the protocols the town will implement in order to procure the necessary personal protective equipment (PPE) for essential personnel, in a quantity sufficient to provide at least two pieces of PPE per employee / contractor during any given shift over the course of six months. The description must also include a plan for storage of such equipment that prevents degradation of the materials and allows for immediate access in the event of an emergency;
- A description of the protocols the town will follow in the event that an employee or contractor is exposed to a known case of the communicable disease that is the subject of the public health emergency, exhibits symptoms of such disease, or tests positive for such disease in order to prevent the spread of such disease in the workplace.
 - The protocol must detail actions to be taken to immediately and thoroughly disinfect the work area of any employee or contractor known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee or contractor may have touched;
 - The protocol must also contain the town's policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine. These protocols cannot involve any action that would violate any federal or state law, including sick leave policies or health information privacy.
- A protocol for documenting precise hours and work locations, including off-site visits, for essential personnel. This protocol must be designed only to aid in tracking of the disease and to identify any exposed personnel in order to facilitate the benefits that may be available; and
- Protocols for how the town will work to identify sites for emergency housing for essential personnel in order to further contain the spread of the communicable disease, to the extent applicable to the needs of the town.

After the plan is drafted, the town must present it to all certified representatives (e.g., the head of the collective bargaining unit) of the town's employees, if any. Such representatives can review the plan and make recommendations, which the town must consider and respond to in writing within a reasonable timeframe. The town may not retaliate against an employee for making suggestions or recommendations.

Once finalized, the plan must be published in a clear and conspicuous location, as well as in the employee handbook and on the town's website or elsewhere on the internet where employees may access it. □