

**MAYOR'S  
EXECUTIVE ORDER  
No: 87-20**

**Temporary Response to COVID-19 Public  
Health Emergency**

**Revised: April 15, 2021  
December 31, 2020  
September 30, 2020  
July 27, 2020  
June 15, 2020  
May 13, 2020  
April 10, 2020**

**Original: March 16, 2020**

**Expires: June 30, 2021**

**POLICY**

The City of Birmingham must continue to provide City services to its citizens while responsibly responding to the COVID-19 situation within its workforce. The City will do this by providing appropriate policies and procedures.

This revised Executive Order will be effective on **April 15, 2021**, and will remain in effect until **June 30, 2021**, unless otherwise revoked or extended. This Executive Order is also subject to federal and state guidelines.

**A. Definitions**

Coronavirus: Coronaviruses are a large group of viruses that cause diseases in animals and humans. In humans, the viruses can cause mild respiratory infections, like the common cold, but can lead to serious illnesses, like pneumonia.

COVID-19: Coronavirus Disease 19 is officially referred to as COVID-19. It is the condition caused by the coronavirus and appears to present flu-like symptoms such as fever, cough and/or difficulty breathing.

COVID-19 related absence: An absence from the workplace necessitated by COVID-19 relating to the employee's own health condition.

Essential City Services: Essential City services include most employees within the departments of Birmingham Fire & Rescue, Birmingham Police Department, Communications, Equipment Management, IMS, Municipal Court, PEP, and Public Works. Other employees, including but not limited to payroll personnel, cashiers and print shop employees in the Department of Finance and business systems analysts, benefits advisors, and risk management in the Department of Human

Resources may be declared essential. Any other employee may be designated as providing essential City services by the chief of staff or the chief of operations. Employees who provide on-call services may also be designated as essential.

Symptoms: Fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, diarrhea, trouble breathing, persistent pain or pressure in the chest, new confusion, inability to wake or stay awake, bluish lips or face. CDC guidance: <https://www.cdc.gov/coronavirus/2019-ncov/about/symptoms.html>

## **B. Responsibilities**

### **1) Employee Responsibilities:**

- a) When an employee reports to work, the employee is self-certifying that the employee exhibits no signs or symptoms of COVID-19, including but not limited to:
  - i. Fever of 100.4 degrees or higher
  - ii. Cough
  - iii. Shortness of breath or difficulty breathing
  - iv. Chills
  - v. Muscle pain
  - vi. Sore throat
  - vii. New loss of taste or smell
  - viii. Congestion or runny nose
  - ix. Nausea or vomiting
  - x. Diarrhea
  - xi. Persistent pain or pressure in the chest
  - xii. New confusion
  - xiii. Inability to wake or stay awake
  - xiv. Bluish lips or face
  
- b) If an employee is at work and begins to show any of the above signs or symptoms of COVID-19, the employee must report this to the employee's supervisor. The supervisor will then notify the department director who will notify Human Resources.
  
- c) While at work, employees must follow the City's Face Covering Protocol, which was revised April 15, 2021. A copy of that protocol can be found at [www.birminghamal.gov/covidpolicy](http://www.birminghamal.gov/covidpolicy) and on the City of Birmingham Intranet page. This protocol will remain in place until further notice. If there are health concerns, rigorous duties or other concerns regarding wearing face masks, the employee should contact Human Resources for guidance. **Employees who disregard the City's facial covering requirement, and other required COVID-19 safety protocols, will be subject to progressive disciplinary action, up to and including**

**termination. Supervisors who fail to enforce the Face Covering Policy and COVID-19 related safety protocols will be subject to progressive discipline, up to and including termination.**

- d) By reporting to work, the employee agrees to allow the City to take the employee's temperature and agrees to respond to questions about symptoms relating to COVID-19.
- e) Employees must notify their supervisor and Human Resources immediately by calling Risk Management at 205-254-6471 or sending an email to [covid19@birninghamal.gov](mailto:covid19@birninghamal.gov) if the employee tests positive for COVID-19 or is subject to an order of quarantine from any local, state or federal agency.
- f) If a member of the employee's household tests positive for COVID-19 or is subject to an order of quarantine from any local, state or federal agency, employees must notify Human Resources immediately by calling 205-254-6471 or sending an email to [covid19@birninghamal.gov](mailto:covid19@birninghamal.gov).
- g) Employees are also expected to follow all protocols established by the City relating to the use of City facilities such as elevators, break areas, meeting rooms, or the Basement Café.
- h) Employees should protect themselves, their family and their community by washing their hands often with water and soap, using hand sanitizer, covering their cough or sneezes, and throwing away used tissues immediately after use.
- i) Employees should keep their work area clean, including work surfaces, phones, keyboards and door knobs.
- j) Employees must notify their supervisor if they will be staying home due to sickness. Such a notice is in accordance with the department's call-in procedure.
- k) Employees are expected to comply with social distancing standards, to the extent possible, in order to reduce potential exposure or transmission of disease. This means that in-person meetings should be limited, and lunch or meal-related gatherings should be avoided.
- l) Employees who work in restricted spaces where distancing is difficult, must wear their face coverings at all times when another person is in the same space, room or vehicle.

**2) Supervisors:**

- a) Code COVID-19 related absences as sick leave using the employee's personal time, unless approval for COVID leave or workers compensation has been received from Human Resources. Designated pay codes have been implemented to use for COVID-19 purposes. Please use the appropriate leave code approved by Human Resources or contact HR for

guidance.

- b) Immediately notify the department director if any employee reports of potential exposure or confirmed diagnoses of COVID-19. **Supervisors may not require an employee to leave the work site because of perceived concerns relating to COVID-19 without the approval of the department director and Human Resources.**
- 3) **Human Resources Department:** Assess and respond to any employee reports of COVID-19 exposure risks and provide the necessary guidance to impacted employees.

### C. COVID-19 Leave Benefits

- 1) The federal leave benefits including Emergency Paid Sick Leave and Expanded FMLA expired on December 31, 2020.
- 2) Any full-time, forty (40) hour employee who has not previously received federal Emergency Sick Leave, Expanded FMLA leave, and has not received leave under this Executive Order, may qualify for up to ten (10) working days or eighty (80) hours of paid leave for the following purpose:
  - a) **The employee has been advised by a health care provider to self-quarantine due to the employee's own COVID-19 diagnosis with a confirmed positive test result.**
  - b) **If approved, the employee may apply COVID Leave to cover time beginning with the date the employee initially submitted for COVID testing, through the mandated quarantine period.**
  - c) **If COVID leave is exhausted before the employee is cleared to return to work, the employee must use their accrued sick leave for any additional time off during that period.**
- 3) Fire Department personnel who work 24-hour shifts, and have not previously used COVID leave benefits, may be granted up to one hundred twenty (120) hours of paid leave, for the period of time that self-quarantine is required under the provision above.
- 4) Employees who are required to quarantine because the employee resides with a COVID positive individual, or providing care to a COVID positive individual, will be required to use their personal accrued leave time and may be required to produce the positive individual's quarantine order and/or substantiating medical documentation that demonstrates the employee shares a household with a COVID positive individual. Failure to provide substantiating documentation may result in the employee's absence being deemed an unauthorized absence, which will lead to disciplinary action.
- 5) Employees will be required to provide medical documentation in support of a request for COVID-19 leave benefits. The City will consider all leave usage under this order to be protected under FMLA. The leave will count towards an individual's annual FMLA allowance.
- 6) COVID-19 paid leave benefits will only be available for eligible employees through **June 30, 2021**.

7) Eligible employees should contact the City of Birmingham HR Department to request leave under the provisions herein by emailing [LOA@birminghamal.gov](mailto:LOA@birminghamal.gov).

#### **D. Reporting COVID Related Exposures and Symptoms**

- 1) *Employees who will be absent from work due to a COVID-19 related symptoms or exposures* must 1) contact their immediate supervisor in a timely fashion, according to call-in procedures 2) contact OHS to advise of your intent to test, 3) quarantine at home while the results are pending and 4) send your results to [covid19@birminghamal.gov](mailto:covid19@birminghamal.gov) and call 205-254-6417 on the day they are received, to confirm clearance to return to work. If the results are positive, the employee will be contacted by OHS for tracking and tracing.
- 2) Employees who are exposed to a positive individual should submit for testing no earlier than five (5) days following the most recent exposure.
- 3) **Employees are responsible for ensuring that their test results are timely received by Risk Management in order to avoid unauthorized time away from work.**

#### **E. Protocol for Confirmed Positive Employees**


- 1) The City of Birmingham's tracking and tracing practice consists of identifying those employees who were within 6 feet of an infected employee for a continuous period of 15 minutes or more from the period of up to 48 hours prior to the date the infected employee began experiencing symptoms. Based on the information obtained during the employee contact tracing process, Human Resources will make direct contact with any employees who are identified as having been exposed. Privacy considerations prohibit the disclosure of the names of affected employees. For confirmed positive employees, Human Resources will initiate its tracking and tracing protocol, which will include the following:
  - a) Immediate screening interview with the affected employee to confirm diagnosis, onset of symptoms, and date of exposure
  - b) Identification of last reporting date to workplace to determine scope of coworker exposure
  - c) If there is an exposure risk, identification of all close contacts with employees who were within 6 feet of the infected employee for a continuous period of 15 minutes or more from the period of up to forty-eight (48) hours prior to the onset of the employee's symptoms.
  - d) If 14 days or more have passed since the employee had close contact with coworkers, potentially exposed employees who do not have symptoms should self-monitor for symptoms such as fever, cough, or shortness of breath.

- e) Employees identified as close contacts during the exposure period will be provided testing information.
  - f) Human Resources must clear the employee to return to work after receipt of the necessary testing results.
  - g) Identification of all shared workspaces if employee was on site within the last seven (7) days
  - h) Coordination of cleaning and decontamination needs if employee was on site less than seven (7) days prior to notification
  - i) Advisement to the employee and the department of leave guidelines and return to work parameters
- 2) **Return to Work:** Employees who test positive for COVID-19, must remain off work in accordance with the guidelines of their healthcare provider and/or as required by a quarantine order issued by public health officials. Before being cleared to return to work, the employee will be required to produce a negative PCR test result, and certification that at least ten (10) days have passed since the onset of symptoms and they have been without a fever for twenty-four (24) hours without fever-reducing medication. Rapid antigen tests will not be accepted for return to work clearance.
- 3) An employee must provide medical documentation clearing them to return to work, if the employee repeatedly tests positive after at least twenty (20) days have passed (i.e. Day 21) since the date of their first positive, and the employee is no longer displaying any symptoms (other than loss or taste/smell).
- 4) If at the time an employee tests negative, their respiratory symptoms have not improved (cough, shortness of breath, etc.) or other related health concerns have developed, then the employee may only return to work with written clearance from a healthcare provider. At this point, the employee should apply for FMLA to ensure proper documentation of their continued absence.
- 5) The employee will be required to complete a Return To Work Certification and Human Resources must clear the employee to return to work before they are permitted back to the worksite.
- 6) The employee is expected to maintain regular communication with Human Resources and their immediate supervisor regarding their return to work status. **Failure to maintain communication with Risk Management and department management may deem the employee's absence excessive and unauthorized leave and may result in disciplinary action up to and including termination.**

**F. Quarantine Guidelines for Fully Vaccinated Employees**

- 1) An employee who reports that they had significant exposure to a COVID-19 positive individual outside of the workplace, or has been advised by Human Resources that they potentially had a close contact inside of workplace, will be required to quarantine for a minimum of five (5) days since the last date of contact before submitting to PCR testing for COVID-19. The employee will be advised of return-to-work guidelines based on the result of the exposure or symptom screening conducted by Risk Management personnel or based on the applicable standards for BFRS personnel.
- 2) An individual who has been fully vaccinated, may refrain from quarantine and testing if they do not have symptoms of COVID-19 after contact with someone who has COVID-19. A person is considered fully vaccinated two (2) weeks after receiving the last required dose of a multi-dose vaccine, or thirty (30) days following a single dose vaccine. This determination will be made by Risk Management personnel at the time the employee is screened.
- 3) Fully vaccinated people who do not quarantine should still monitor for symptoms of COVID-19 for at least fourteen (14) days following an exposure. If they experience symptoms, they should isolate themselves from others and submit for testing.

APPROVED on this the 30th day of April, 2021.

  
\_\_\_\_\_  
Randall L. Woodfin, Mayor