

As a matter of proper business decorum, the Board of Directors respectfully request that all cell phones be turned off or placed on vibrate. To prevent any potential distraction of the proceeding, we request that side conversations be taken outside the meeting room.

**AMENDED AGENDA**  
**SPECIAL BOARD MEETING**  
**THREE VALLEYS MUNICIPAL WATER DISTRICT**  
**1021 E. MIRAMAR AVENUE, CLAREMONT, CA 91711**

**Wednesday, July 15, 2020 – 8:00 a.m.**

**SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY**

Pursuant to the provisions of Executive Order N-29-20 issued by Governor Newsom in response to the COVID-19 outbreak and as a precaution to our Board of Directors, staff and the public, Three Valleys MWD will hold its Board meeting via teleconference. The public's physical attendance at the district is not allowed. The public may participate in the teleconference by clicking on the link below:

**<https://attendee.gotowebinar.com/register/9083501371782697744>**

*(Dial-in instructions are provided after registering at the link above)*

Any member of the public wishing to participate in Public Comment may do so by filling out the speaker's card at the following link: **<https://arcg.is/0z5GqO>**

*The mission of Three Valleys Municipal Water District is to supplement and enhance local water supplies to meet our region's needs in a reliable and cost-effective manner.*

**Item 1 – Call to Order**

**Kuhn**

**Item 2 – Roll Call**

**Executive  
Assistant**

**Item 3 – Public Comment** *(Government Code Section 54954.3)*

**Kuhn**

Opportunity for members of the public to directly address the Board on items of public interest within its jurisdiction. The public may also address the Board on items being considered on this agenda. TVMWD requests that all public speakers complete a speaker's card and provide it to the Executive Assistant.

**We request that remarks be limited to five minutes or less. Pursuant to Government Code Section 54954.3, if speaker is utilizing a translator, the total allotted time will be doubled.**

**Item 4 – Resolution No. 20-07-879 Adopting Administrative Policies and Protocols Related to COVID-19 – [enc]**

**Galarneau**

The Board will consider approval of Resolution No. 20-07-879 adopting administrative policies and protocols related to COVID-19.

**Item 4: Board Action Required**

Staff Recommendation: Approve as presented

## **Item 5 – Projects Summary Update**

**Kellett**

The Board will be given an update of ongoing district projects.

## **Item 6 – Closed Session**

**Kuhn**

### **6.A – Conference with Legal Counsel – Existing Litigation** [Government Code Section 54956.9(d)(1)]

Name of Case: Chino Basin Municipal Water District v. City of Chino, et al., San Bernardino County Superior Court Case No. RCV RS 51010

### **6.B – Conference with Legal Counsel – Anticipated Litigation**

- Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
- One potential case

## **Item 7 – Future Agenda Items**

**Kuhn**

## **Item 8 – Adjournment**

**Kuhn**

The Board will adjourn to a Regular Board Meeting on Wednesday, September 2, 2020 at 8:00 a.m.

### **American Disabilities Act Compliance Statement**

*Government Code Section 54954.2(a)*



*Any request for disability-related modifications or accommodations (including auxiliary aids or services) sought to participate in the above public meeting should be directed to the TVMWD's Executive Assistant at (909) 621-5568 at least 24 hours prior to meeting.*

### **Agenda items received after posting**

*Government Code Section 54957.5*


*Materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review at the TVMWD office located at, 1021 East Miramar Avenue, Claremont, CA, 91711. The materials will also be posted on the TVMWD website at [www.threevalleys.com](http://www.threevalleys.com).*

*Three Valleys MWD Board Meeting packets and agendas are available for review on its website at [www.threevalleys.com](http://www.threevalleys.com).*



## Board of Directors Staff Report

**To:** TVMWD Board of Directors

**From:** Matthew H. Litchfield, General Manager 

**Date:** July 15, 2020

**Subject:** **Resolution No. 20-07-879 Adopting Administrative Policies and Protocols Related to COVID-19**

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<input checked="" type="checkbox"/> <b>For Action</b>	<input type="checkbox"/> <b>Fiscal Impact</b>	<b>\$</b>
<input type="checkbox"/> <b>Information Only</b>	<input type="checkbox"/> <b>Funds Budgeted:</b>	

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**Staff Recommendation:**

**That the Board approve Resolution No. 20-07-879 adopting administrative policies and protocols to ensure a safe and healthy return for Staff post the COVID-19 partial office closure.**

**Discussion:**

The General Manager in conjunction with the Human Resources Manager are recommending the implementation of the following policies and protocols:

- Temperature Testing & Screening for Symptoms Associated with COVID-19
  - 3 Self-Screening Checkpoints external to the building. Separate checkpoints for Administrative Staff, Operations Staff, and Vendors.
- Testing District Employees for COVID-19
  - Employees exhibiting symptoms for COVID-19 will be directed to a medical provider for further testing and potential treatment. Impacted employees could be subject to a 14-day quarantine period and not be permitted to return to any TVMWD facility until the quarantine period has been served and/or they are approved by a licensed medical provider to return-to-work. Further medical documentation would be required.
- Personal Protective Equipment (PPE)
  - TVMWD will provide staff with appropriate PPE's including reusable face coverings, disposable masks, gloves, disinfecting materials, and desk guards as appropriate.
- Cleaning and Disinfecting the Workplace
  - Cleaning & Disinfecting materials will be made available to staff for use while performing work onsite.

- If an EPA-approved disinfectant is unavailable, alternative disinfectants will be used, such as one-third (1/3) cup of bleach added to one (1) gallon of water or alternatively, seventy percent (70%) alcohol solutions, to disinfect, consistent with CDC guidelines.
- Employees will be responsible to disinfect their general workspace and any communal spaces used throughout the day. This is in addition to weekly cleaning services provided to TVMWD.
- Social Distancing and Individual Responsibilities in the Workplace
  - Staff and vendors must adhere to the CDC Guidelines, including: (1) staying at least 6 feet from other people, (2) covering cough or sneeze with tissue and then throw the tissue in the trash and promptly wash hands, (3) wear a face covering while indoors, (4) do not touch eyes, nose, and mouth, (5) clean and disinfect frequently touched objects and surfaces, (6) wash hands frequently for at least 20 seconds, (7) stay home when feeling sick.
  - In-person meetings will be transitioned to phone, email, and virtual meeting spaces.
  - Carpooling will be prohibited.
  - Maximum building and room occupancy decreased.
- Accommodations of Employees Who are at High Risk of Severe Illness from COVID-19
  - Absent an undue hardship to TVMWD or a direct threat to the health and safety of TVMWD employees, TVMWD may provide certain employment-related accommodations to employees who, because they are age 65 or older or have an underlying medical condition, are at higher risk of severe illness if they contract the virus that causes COVID-19, in order to reduce the risk of such employees contracting the virus. If a member of the employees' household meets these conditions, TVWMD will consider making appropriate accommodations.

**Strategic Plan Objective(s):**

3.3 – Be accountable and transparent with major decisions.

**Attachment(s):**

Exhibit A – Resolution No. 20-07-879

Exhibit B – Return-to-Work Toolkit COVID-19

**Meeting History:**

Board of Director's Meeting – April 15, 2020, Action Item

Board of Director's Meeting – June 17, 2020, Informational Item

NA/WG

**RESOLUTION NO. 20-07-879**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THREE VALLEYS MUNICIPAL WATER DISTRICT  
ADOPTING ADMINISTRATIVE POLICIES AND PROTOCOLS  
RELATED TO COVID-19**

**WHEREAS**, the Three Valleys Municipal Water District is a municipal water district located within the County of Los Angeles and organized and operating pursuant to California Water Code Section 71000 et seq. ("District"); and

**WHEREAS**, on April 15, 2020, the District's Board of Directors adopted Resolution No. 20-04-874 COVID-19 Personnel Policies in response to the U.S. Department of Labor ("DOL") regulations including Emergency Paid Sick Leave ("EPSL") and the Emergency Family and Medical Leave ("EFML") Expansion Act, effective April 1, 2020 to December 31, 2020, unless otherwise extended by the Federal Government.

**WHEREAS**, the District has developed a COVID-19 Return-to-Work Toolkit to ensure a safe and healthy return for District employees post COVID-19 partial office closure; and

**WHEREAS**, the following seven (7) Administrative Policies and Protocols are included in the Return-to-Work Toolkit for District employees to follow:

- Administrative Policy and Protocols for Cleaning and Disinfecting the Workplace
- Administrative Policy and Protocols for Social Distancing and Individual Responsibility in the Workplace
- Administrative Policy and Protocols for Testing TVMWD Employees for COVID-19
- Administrative Policy and Protocols for Temperature Testing and Screening for Symptoms Associated with COVID-19
- Administrative Policy and Protocols for the use and Disclosure of Confidential Medical Information Related to COVID-19
- Administrative Policy and Protocols for the Accommodation of Employees who are at High-Risk of Severe Illness from COVID-19
- Administrative Policy and Protocols for Employee Leave and Compensation Under the Families First Coronavirus Response Act

**NOW THEREFORE BE IT RESOLVED** that the District's Board of Directors hereby adopts the Administrative Policies and Protocols Related to COVID-19 attached hereto and incorporated herein by this reference.

**ADOPTED** and **PASSED** at a meeting of the Three Valleys Municipal Water District's Board of Directors held via teleconference, on this 15th day of July 2020, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Bob G. Kuhn, President

ATTEST:

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Carlos Goytia, Secretary

SEAL:



# Return-to-Work Toolkit COVID-19

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## Agency Protocols For Maintaining A Safe And Healthy Workplace In Light Of COVID-19

### A. Use of Shared Areas

TVMWD maintains several communal areas, which are utilized by staff. These communal areas are listed below. Access to such areas at any one time may be limited to the number of individuals identified in the chart below.

Communal Area	Maximum number of staff permitted in the area at a given time
Breakroom	1 per table
Boardroom	1 per table
North Conference Room	Up to 4
West Meeting Room	Up to 3
Gym	Up to 2

### B. Public Notice (Signage)

- Signage is posted at each entrance of the worksite to inform all staff, members of the public, and vendors that they must not enter the facility/worksite if they have a cough, fever, shortness of breath, difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell, or other symptoms consistent with COVID-19 identified by the Centers for Disease Control (“CDC”). Signage states that, while in the facility/worksite, individuals must maintain a minimum six-foot distance from one another.
- A copy of TVMWD’s Social Distancing and Individual Responsibility Policy is posted at each entrance to the facility/worksite. The posted locations are as follows:
  1. South Gate on Miramar Avenue

2. East Gate on Miramar Avenue
3. Administration Building Main Entrance (south)
4. Operations Entrance (East)
5. Auxiliary Entrance (North)
6. General Managers Entrance (North)

### **C. Employee Health and Safety**

- To reduce in-person head counts on any given workday, TVMWD has authorized the General Manager to allow, encourage, or require remote work as appropriate for any given employee or class of employees. TVMWD has also authorized the General Manager to implement flexible or staggered work schedules (e.g., staggered start times or days at the worksite) as needed.
- For those employees who participate in rideshare/carpooling to and from the worksite and/or offsite meeting, TVMWD advises these practices temporarily discontinue to address social distancing concerns.
- TVMWD has canceled non-essential travel, until further notice.
- TVMWD has directed all employees not to come to work if they are sick, including, but not limited to, exhibiting any symptoms of COVID-19 (e.g., cough, fever, shortness of breath, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell, or other symptoms consistent with COVID-19 identified by the Centers for Disease Control (“CDC”)). Staff should take their temperature themselves before the beginning of each workday.
- Staff must review and individually conduct a symptom checks by using the Self Health Checklist before reporting to work, pursuant to guidance provided by the CDC, the Department of Fair Employment and Housing (“DFEH”) and the Equal Employment Opportunity Commission (“EEOC”).
- TVMWD has identified local health department contacts with whom it will communicate regarding information about COVID-19 outbreaks at TVMWD. TVMWD will assist local health departments in facilitating contact tracing for

employees who test positive for COVID-19. TVMWD will partner with Los Angeles County Health Services, 750 S Park Ave, Pomona, CA 91766. Phone: (909) 868-0235.

- All staff must use a cloth face covering at work when interacting with the public, vendors, and other staff members. TVMWD is providing such face coverings at no cost to any staff who do not bring their own.
- TVMWD has directed all staff that a cloth face covering must be worn at all times while indoors, except if an employee is in their own office and their door remains closed or if other PPE is required based on the safety needs of certain tasks.
- TVMWD has directed all employees who wear cloth face coverings to wash such face coverings after each shift.
- Members of the public, employees, and vendors will not be permitted to enter or remain in the facility/worksites unless they wear cloth face coverings and are not experiencing COVID-19 symptoms.
- Desks and individual workstations have been altered in such a manner so that employees are separated by at least six feet.
- Break rooms, restrooms, and other common areas are disinfected frequently and thoroughly throughout the day. Employees must disinfect common spaces after each use.
- TVMWD has removed, to the extent practicable, soft and porous materials in communal work areas (e.g., fabric couches and chairs).
- TVMWD has directed all employees to discontinue the use of shared office equipment to the extent practicable, or in the alternative to, sanitize shared surfaces and objects (e.g., conference room chairs and tables, counter tops, refrigerator door handles, agency vehicles keyboards, shared office supplies) after each use.
- TVMWD has directed all employees to sanitize certain parts of an agency vehicle after each use, including outside handles, steering wheels, rearview mirrors, radios, buttons on doors used to control windows and mirrors,

gearshifts, and keys. TVMWD will place disinfectant and cleaning supplies in each vehicle.

- TVMWD has directed all employees to frequently wash their hands with soap and water, or use sanitizer when a sink is not available, approximately every 60 minutes, for 20-seconds and after the following activities: using the restroom, sneezing, touching their face, blowing their nose, touching the refrigerator, using shared equipment such as tool handles and vehicles, cleaning, sweeping, mopping, smoking, eating, drinking, entering and leaving the building, going on a break and before the start of their work shift.
- TVMWD has placed tissues/paper towels and no-touch disposal receptacles at locations where they can be easily accessed by employees, vendors, and members of the public, including but not limited to outside of every restroom, public entrance and entrance to TVMWD if such an entrance requires an individual to touch a door handle in order to enter.
- Disinfectant and related supplies are available to all employees at the following locations:
  - Reception Desk
  - Supply Closet
  - Limited supply at each workstation
- Hand sanitizer that contains at least 60% ethanol or 70% isopropanol is available to all employees at the following locations:
  - Reception Desk
  - North Auxiliary Entrance Cabinet
  - Kitchen Area
  - Supply Closet
- Soap and water are available to all employees at the following locations:
  - Restrooms
  - Kitchen Area Sink

- TVMWD has suspended the use of shared food and beverages (e.g. bringing in lunch for meetings that is shared “buffet style”. TVMWD has also discontinued the use of food and beverage equipment (which is shared by employees) including coffee brewers.
- TMVWD has instructed staff to replace in-person meetings with other means of communication, including but not limited to telephone calls, e-mails, or videoconferences. Non-essential meetings should be canceled or postponed.
- TVMWD will replace air filters quarterly.
- TVMWD has also encouraged fresh air circulation by directing employees to open doors, to the extent practicable and safe.
- TVMWD will provide training to all employees and board members regarding the measures it is taking and is requiring individuals to take to maintain a safe and healthy working environment in accordance with State guidelines.

**D. Measures Designed to Keep People At Least Six Feet Apart and Prevent Unnecessary Contact**

- TVMWD has placed signage outside the facility/worksites that instructs people to remain at least six feet apart, including when waiting to enter the facility/worksites.
- TVMWD has instructed all employees to maintain at least a six-foot distance from members of the public and from each other, except employees whose job duties require them to come into closer contact with others or as otherwise necessary.
- TVMWD has instructed all employees using District vehicles that only one person is permitted to occupy a vehicle at a time.

**E. Measures to Prevent Crowds from Gathering**

- TVMWD has limited the number of members of the public in the worksite/facility at any one time, which allows for members of the public and employees to maintain, at least more easily, a six-foot distance from one another at all practicable times.
- TVMWD has assigned an employee to the public access door (Reception) to ensure the maximum number of members of the public at the facility/worksite is not exceeded.
- TVMWD is streaming public meetings, including providing opportunities for public comment. Reference Board Agenda on Three Valley's web-portal to register as attendee.

**F. Measures to Increase Sanitation for the Public**

When public meetings resume, the following measures will be taken:

- Restrooms normally open to the public remain open to the public.
- TVMWD has removed, to the extent practicable, soft and porous materials in public areas (e.g., fabric couches and chairs). Where TVMWD has removed seating, it has replaced such seating with chairs that can be easily disinfected.
- Disinfectants that are effective against COVID-19, such as disposable wipes, are available near public entrances, communal areas and in restrooms.
- Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility/worksite, in communal areas, in restrooms and anywhere else inside the facility/worksite where people have direct interactions.
- TVMWD is disinfecting all high-contact surfaces frequently.

## **ADMINISTRATIVE POLICY AND PROTOCOLS FOR CLEANING AND DISINFECTING THE WORKPLACE**

### **I. Preamble**

The purpose of the California Occupational Safety and Health Act of 1973 is to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

The Centers for Disease Control and Prevention (“CDC”) recommends cleaning and disinfecting public spaces, such as the workplace, in order to reduce the risk of exposure to SARS-CoV-2, the virus that causes COVID-19 (hereinafter “the virus that causes COVID-19”). Normal routine cleaning with soap and water removes germs and dirt from surfaces and lowers the risk of spreading the virus that causes COVID-19. Disinfecting kills germs on surfaces. Killing germs on surfaces after cleaning can further lower the risk of spreading infection.

TVMWD therefore implements this Administrative Policy and Protocols for Cleaning and Disinfecting the Workplace for the protection of all employees, their families, and the public we serve.

### **II. Statement of Policy**

The purpose of this Policy is to ensure healthy and safe working conditions for all TVMWD employees through adherence to federal, state, and local cleaning and disinfecting requirements, recommendations, and best practices intended to limit exposure to the virus that causes COVID-19. Ensuring healthy and safe working conditions and the health and safety of employees is a business necessity for TVMWD.

### **III. Compliance**

TVMWD intends to fully and faithfully comply with any and all applicable federal, state, and local regulations and guidance regarding cleaning and disinfecting worksites in the administration of this Policy and associated protocol.

### **IV. Policy**

#### **Scope of Coverage:**

This policy will apply with equal force to all properties and facilities over which TVMWD has custody and control, including both indoor and outdoor areas.

This Policy shall be effective immediately upon adoption and shall remain in effect until the Board of Directors advises employees that the Policy is no longer operative due to the end of the present public health emergency.

**Cleaning Practices for Outdoor Areas:**

The virus that causes COVID-19 naturally dies within hours to days in typical indoor and outdoor environments. Warmer temperatures and exposure to sunlight reduces the time the virus survives on surfaces and objects. Outdoor areas generally require normal routine cleaning and do not require disinfection.

(a) TVMWD Responsibilities:

TVMWD will maintain existing cleaning and hygiene practices of outdoor areas.

(b) Employee Responsibilities:

In addition to the efforts undertaken by TVMWD, employees are expected to comply will directives issued in TVMWD's Administrative Policy and Protocols for Social/Physical Distancing and Individual Responsibility in the Workplace, to the extent applicable to outdoor spaces, as well as the provisions in this Policy regarding collective efforts to routinely disinfect frequently used surfaces and objects.

**Cleaning Practices for Indoor Areas that have been Unoccupied for at least Seven Days:**

The virus that causes COVID-19 has not been shown to survive on surfaces longer than seven (7) days. Therefore, if an indoor area has been unoccupied for seven (7) days or more, TVMWD will conduct normal routine cleaning of that area consistent with its existing cleaning and hygiene practices.

**Cleaning and Disinfecting Practices for Indoor Areas that have been occupied within the last Seven Days:**

(a) TVMWD's Responsibilities:

TVMWD will evaluate each TVMWD building or facility to determine what kinds of surfaces make up each area. Most surfaces and objects will require only routine cleaning consistent with TVMWD's current practices. Such routine cleaning involves cleaning the surface or object with soap and water. Additionally, each workday, TVMWD will clean and disinfect frequently touched surfaces and objects, including but not limited to light switches and doorknobs, to further reduce the risk of germs on those surfaces and objects.



Disinfecting will be conducted using an EPA-approved disinfectant, when available. If an EPA-approved disinfectant is unavailable, alternative disinfectants will be used, such as one-third (1/3) cup of bleach added to one (1) gallon of water or alternatively, seventy percent (70%) alcohol solutions, to disinfect, consistent with CDC guidelines. TVMWD prohibits the mixing of bleach and other cleaning and disinfection products together, as this can cause fumes that may be dangerous when inhaled. TVMWD requires that the use of any cleaning and disinfectant products adhere to the instructions from each product's manufacturer related to concentration, application method, contact time, etc. TVMWD requires that all disinfectants be kept out of the reach of children.

**(b) Employee Responsibilities:**

In addition to the efforts undertaken by TVMWD, employees are expected to comply with directives issued in TVMWD's Administrative Policy and Protocols for Social/Physical Distancing and Individual Responsibility in the Workplace, as well as the provisions in this Policy regarding collective efforts to routinely disinfect frequently used surfaces and objects.

**Provision of Sanitizing Supplies:**

Hand sanitizer, soap and water, or effective disinfectant will be made available near the entrance of the facility and in other appropriate areas for use by members the public, vendors, and employees.

Tissues and no-touch disposal receptacles will be placed at locations where they can be easily accessed by employees and members of the public.

**Collective Effort to Routinely Disinfect Frequently Used Surfaces and Objects:**

The CDC has called upon every American to implement behavior to slow the spread of the virus that causes COVID-19. Everyone has a role in making sure our communities are as safe as possible to reopen and remain open. TVMWD takes this responsibility extremely seriously.

**(a) TVMWD's Responsibilities:**

TVMWD will ensure that surfaces and objects within its building are cleaned and disinfected each workday to maintain safe and healthy working conditions for all employees.

**(b) Employee Responsibilities:**

In addition to the efforts undertaken by TVMWD, every TVMWD employee across all departments has an individual responsibility to contribute to this effort by routinely disinfecting surfaces and objects with which that employee interacts. This includes mandatory compliance with TVMWD Administrative Policy and Protocols for Social/Physical Distancing and Individual Responsibility in the Workplace. TVMWD will provide effective disinfectants, such as disinfectant spray, throughout its buildings and facilities to be used to disinfect these items to assist employees in meeting their individual responsibilities. Employees are expected to utilize these disinfectants to regularly wipe down commonly used surfaces and objects. A list of examples of such commonly used surfaces and objects is provided below.

**Cleaning and Disinfecting Frequently Used Hard and Non-Porous Items:****(a) TVMWD's Responsibilities:**

Each workday, TVMWD will have all frequently used hard and non-porous surfaces or objects, such as glass, metal, or plastic, cleaned and then disinfected with an appropriate disinfectant. Examples of frequently used surfaces or objects that shall receive routine disinfection include, but are not limited to:

- Tables
- Copiers
- Doorknobs
- Printers
- Light switches
- Refrigerators
- Countertops
- Microwaves
- Handles
- Coffee makers
- Desks
- File cabinets and shelves
- Phones
- Shared tools equipment
- Keyboards
- Stairways and stairwells
- Toilets
- Handrails
- Faucets and sinks

**(b) Employee Responsibilities:**

In addition to the efforts undertaken by TVMWD, employees are expected to routinely disinfect surfaces and objects that they interact with. Employees should utilize effective disinfectants, such as disposable wipes, provided by TVMWD to disinfect the surfaces and objects they come in contact with that may be touched by other employees or members of the public. These surfaces and objects include, but are not limited to, the list of examples provided above.

**Cleaning and Disinfecting Soft and Porous Items:**

TVMWD will ensure that soft and porous items that are not frequently touched are cleaned or laundered, following the directions on the items' labels, using the warmest appropriate water setting.

Soft and porous materials that are frequently touched, such as area rugs, carpets, and upholstered seating, must be disinfected using an appropriate disinfectant.

TVMWD will evaluate the soft and porous materials in each building or facility to consider whether items can be removed or stored to reduce frequent handling or contact with multiple people. Soft and porous materials, such as upholstered seating in communal areas, may be removed or stored to reduce the challenges with cleaning and disinfecting these surfaces and objects.

**Cleaning and Disinfecting Practices Related to Bodies of Water:**

There is no evidence that the virus that causes COVID-19 can spread directly to humans from water in pools, hot tubs or spas, or water play areas. TVMWD will ensure proper operation, maintenance, and disinfection of such bodies of water, which should kill the virus that causes COVID-19.

**Cleaning and Disinfecting Practices Related to TVMWD Vehicles:****(a) TVMWD's Responsibilities:**

TVMWD will provide hand sanitizer and effective disinfectant, such as disposable wipes, in each TVMWD vehicle. TVMWD will maintain its practice of routinely cleaning TVMWD vehicles.

**(b) Employee Responsibilities:**

In addition to the efforts undertaken by TVMWD employees must disinfect frequently touched surfaces and objects within a TVMWD vehicle before and after use of a TVMWD vehicle, if that vehicle is shared, or at the beginning and end of each shift, if no one else uses the vehicle during the employee's shift. These surfaces and objects include, but are not limited to, door handles, seatbelts, seats, steering wheels, and window buttons.

**Air Filter and HVAC Cleaning:**

TVMWD will ensure that air filters and HVAC systems are properly maintained. TVMWD will also ensure that fresh air is increased by opening doors to the extent possible and safe.

**Providing of Personal Protective Equipment (“PPE”) for Workers Assigned to Clean or Disinfect the Workplace:**

TVMWD Requirements Applicable to TVMWD Employees Assigned to Clean or Disinfect TVMWS Buildings or Facilities:

TVMWD employees must wear appropriate PPE throughout the cleaning/disinfecting process, including the handling of trash.

TVMWD will provide the necessary and appropriate PPE at no cost to any TVMWD employee whose job duties require them to clean or disinfect its buildings or facilities, as set forth in Occupational Safety and Health Administration (“OSHA”) regulations. (See 29 C.F.R. § 1910.132 (h).) This provision does not apply to TVMWD employees that contribute to cleaning and disinfecting efforts in an isolated fashion, such as wiping down a doorknob or desk after its use.

Appropriate PPE includes disposable gloves and gowns that are compatible with the disinfectant products being used. TVMWD may require that employees whose job duties require them to clean and disinfect its buildings or facilities wear additional PPE, such as goggles or face shields, based on the cleaning/disinfectant products being used and whether a risk of splashing reasonably exists. If disposable gowns are unavailable, employees whose job duties require them to clean and disinfect its buildings or facilities must wear a similar type of covering, such as coveralls, aprons, or work uniforms. Any reusable (washable) clothing worn during the cleaning/disinfecting process must be laundered afterwards.

**Proper Use of PPE and Training Related to PPE**

TVMWD employees utilizing PPE must carefully remove gloves at the end of the cleaning/disinfecting process to avoid contamination of the wearer and surrounding area. After the removal of gloves, employees must wash their hands thoroughly with soap and water.

TVMWD will ensure that any employees utilizing PPE as described in this section are trained on when to use PPE, what PPE is necessary, how to properly don (put on), use, and doff (take off) PPE, how to maintain and dispose of PPE, and the limitations of PPE. TVMWD will also ensure that any

employees utilizing PPE as described in this section are trained on proper eye and face protection, hand protection, and respiratory protection.

**TVMWD Requirements Applicable to Employees of Third-Party Companies Assigned to Clean or Disinfect TVMWD Buildings or Facilities:**

The foregoing provisions in subsection (a) regarding PPE apply with equal force to employees of third party companies who are responsible for cleaning TVMWD facilities and worksites, except that TVMWD will not provide PPE to employees or third party companies or provide training to such employees. TVMWD will communicate to the third-party company its expectations regarding the use of PPE by their employees when cleaning TVMWD facilities and worksites.

## **ADMINISTRATIVE POLICY AND PROTOCOLS FOR SOCIAL/PHYSICAL DISTANCING AND INDIVIDUAL RESPONSIBILITY IN THE WORKPLACE**

### **I. Preamble**

The purpose of the California Occupational Safety and Health Act of 1973 is to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

The Centers for Disease Control and Prevention (“CDC”) recommends social distancing, also referred to as physical distancing, to reduce the spread of SARS-CoV-2, the virus that causes COVID-19 (hereinafter “the virus that causes COVID-19”). The virus that causes COVID-19 spreads primarily when people come into close contact (within about 6 feet) with each other for a prolonged period (approximately 10 minutes or more). Such spread happens when an infected person coughs, sneezes, or talks, and respiratory droplets from their mouth or nose are launched into the air and land in the mouths or noses of people nearby. The droplets can also be inhaled into the lungs. Studies indicate that people who are infected but do not have symptoms likely also play a role in the spread of the virus that causes COVID-19.

The TVMWD therefore implements this Administrative Policy and Protocol for Social Distancing and Individual Responsibility in the Workplace for the protection of all employees, their families, and the public we serve.

### **II. Statement of Policy**

The purpose of this policy is ensuring the health and safety of working conditions for all TVMWD employees through adherence to social distancing and cleaning and disinfecting principles and best practices. Ensuring healthy and safe working conditions and the health and safety of employees is a business necessity for TVMWD.

### **III. Compliance**

TVMWD will fully and faithfully comply with any and all applicable laws, including, but not limited to, the Americans with Disabilities Act (“ADA”), the Rehabilitation Act of 1973, the Fair Employment and Housing Act (“FEHA”), and the California Confidentiality of Medical Information Act (“CMIA”) in the administration of this policy and associated protocol.

#### **IV. Policy**

##### **Scope of Coverage:**

This policy will apply with equal force to all TVMWD employees as preventing the transmission of the virus that causes COVID-19 in the workplace is reasonably related to all TVMWD jobs.

This policy shall be effective immediately upon adoption and shall remain in effect until the Board of Directors advises employees that the policy is no longer operative due to the end of the present public health emergency.

##### **Reduction of In-Person Employee Headcount at Any Given Time:**

To reduce the spread of the virus that causes COVID-19, the General Manager is authorized to allow, encourage, or require remote work as appropriate for any given employee or class of employees. Employees may be required, for example, to work remotely one day and report to the workplace the next. The General Manager is further authorized to implement flexible, or staggered work hours, including staggered breaks, as needed.

##### **Minimum Spacing of Six Feet:**

Employees, members of the public, and vendors entering and using TVMWD facilities must maintain a minimum physical distance of six feet between themselves and any other person at all times. While on duty at any TVMWD facility, employees must also minimize exposure to and contact with others.

To the extent that existing arrangements of workstations or furniture, including in break rooms or lunchrooms, do not provide for adequate spacing, they must be rearranged to provide for such spacing. If furniture cannot be rearranged to allow for adequate spacing, seats or desks that would encroach on the six-foot distance must be clearly marked as prohibited for use. Management has designated the following preventive measures throughout the building -

- Administrative and Operations Staff must limit interactions between departments. As a precautionary measure, Administrative Offices will not be accessible by Operations Staff and vice-versa.
- Separate routes for entry and exit into office spaces to help maintain social distancing and lessen the instances of people closely passing each other.

- If a particular workspace is open to the public, such as the reception desk, social distancing guidelines apply to visiting members of the public and vendors.
- Entry to any TVMWD facility must be limited to a number of people that can easily maintain, at all times, a minimum six-foot physical distance from others, except as necessary to complete the business for which the person is at the facility.
- When onsite board meetings resume, waiting areas must be rearranged so as to discourage members of the public from waiting or sitting within 6 feet of one another.

Employees are prohibited from engaging in handshakes, hugs, or any other unnecessary physical contact with any person at all times while on TVMWD premises or otherwise while on duty outside of their home (telework) workspace.

### **Physically Distanced Meetings Only When Necessary:**

Where feasible, in-person meetings must be replaced with other means of communication, including but not limited to telephone calls, e-mails, or videoconferences. Non-essential meetings should be canceled or postponed. Staff meetings normally held in meeting rooms or shop settings should take place outside when physical distancing is not practicable in the usual space.

If an in-person meeting is held, it must take place in the board room or other space that allows the participants sufficient space to maintain the minimum spacing of six feet. TVMWD encourages in-person meetings to be conducted outside, when possible. After a meeting room is used, the meeting room must be cleaned and disinfected in accordance with TVMWD's Cleaning and Disinfecting Policy before it can be used again. This includes, but it is not limited to, requiring that all employees who attended the in-person meeting clean and disinfect the space they occupied during the meeting (e.g., their chair, area of the conference table at which they sat) using TVMWD provided sanitizing supplies, as described below.

### **Social Visits to be Avoided:**

Employees must refrain from congregating in confined spaces, such as lunch or break rooms.

If socializing cannot be avoided, employees must observe the requirement that they maintain a minimum physical distance of six feet between themselves and any other person at all times.



Employees are prohibited from permitting social visitors (visitors who are not on official business) while at TVMWD facilities. Employees may socialize with visitors who are not on official business outside the workplace (e.g., an employee may go to lunch with their spouse off-site.)

## **Wearing of Facial Coverings:**

Members of the public and vendors who enter a TVMWD facility must wear a face covering during their time in the facility.

Employees working at a TVMWD worksite must use cloth face coverings when working in open or shared workspaces.

A “cloth face covering” is a material that covers the nose and mouth. It may be secured to the head with ties or straps or simply wrapped around the lower face. It may be made of a variety of materials, such as cotton, silk, or linen. Acceptable cloth face covering options include, but are not limited to:

- Bandana;
- Neck gaiter;
- Homemade face covering;
- Scarf; and
- Tightly woven fabric, such as cotton t-shirts and some types of towels.

A cloth face covering that no longer covers the nose or mouth; has stretched out or damaged ties or straps; cannot remain securely attached to a person’s face; has holes or tears in the fabric; and/or obstructs an employee’s vision do not comply with this policy. An employee or member of the public must immediately replace their face covering under these circumstances or leave the facility.

Use of a surgical mask or N95 respirator is not required, but employees who choose to do so are in compliance with this policy as long as the surgical mask or N95 respirator is in good condition and can remain securely attached to the employee’s face.

## **Hand Washing:**

Employees are expected to wash their hands (for a minimum of 20 seconds), or use hand sanitizer when a sink is not available, every 60 minutes, and after any of the following activities: using the restroom, sneezing, touching the face, blowing the nose, cleaning, sweeping, mopping, smoking, eating, drinking, entering or leaving the facility, going on break, and before and after their work shift.

**Provision and Use of Sanitizing Supplies:**

Hand sanitizer (at least 60% ethanol or 70% isopropanol), soap and water, or effective disinfectant must be made available near the entrance of any TVMWD facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public or vendors. Effective disinfectants, such as disposable wipes, should be provided so that commonly used surfaces (e.g., doorknobs, keyboards, remote controls, desks, staplers, copiers, other work tools and equipment) can be wiped down by employees before each use. Tissues and no-touch disposal receptacles must be placed at locations where they can be easily accessed by employees and members of the public/vendors.

It is each employee's responsibility to use these wipes and other supplies to sanitize every surface they touch after each use, except those in an employee's own private office space, including but not limited to doorknobs, tables, desk and counter tops, chairs, copiers, printers, books/binders, refrigerators, microwaves, coffee makers, file cabinets and shelves, shared computers, phones, tools, and other equipment. It is further each employee's responsibility to similarly sanitize their own office at the end of their work day or before that space is shared or used by any other person (e.g., an employee must wipe down all surfaces in his or her office before allowing another person to enter for a meeting).

**TVMWD Vehicles:**

Wherever feasible, TVMWD vehicles should be occupied by only one person. If two employees are required for a task in the field, they should ride in separate vehicles. If sharing a vehicle cannot be avoided, employees should wear their face coverings while in the vehicle. TVMWD vehicle door handles, seatbelts, seats, and steering wheels must be sanitized before each use of the vehicle. A bottle of sanitizer must be placed in each TVMWD vehicle and replaced or refilled when empty.

**Remote Public Access to Meetings**

Members of the public wishing to attend open session meetings of the Board may do so remotely. Information regarding how to attend remotely will be posted on the TVMWD website.

Attendance in person will not be permitted while this policy is in effect.

**Required Posting and Distribution:**

Signs must be placed at conspicuous places at all entrances that instruct employees, vendors, and members of the public not to enter if they are experiencing symptoms associated with COVID-19 (e.g., cough, shortness of breath or difficulty

breathing, and/or more of the following: fever, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell, or any other symptom associated with COVID-19 identified by the CDC), The signs must also instruct persons who are not experiencing these symptoms and who can enter the facility that they are to wear face coverings and maintain six feet of distance between themselves and others while inside.

A copy of this document, ADMINISTRATIVE POLICY AND PROTOCOLS FOR SOCIAL DISTANCING AND INDIVIDUAL RESPONSIBILITY IN THE WORKPLACE, must be provided to each TVMWD employee working at any TVMWD facility and posted at or near the entrance of each TVMWD facility. The location at which the ADMINISTRATIVE POLICY AND PROTOCOLS FOR SOCIAL DISTANCING AND INDIVIDUAL RESPONSIBILITY IN THE WORKPLACE must be easily viewable by the public and employees.

## **ADMINISTRATIVE POLICY AND PROTOCOLS FOR TESTING TVMWD EMPLOYEES FOR COVID-19**

### **I. Preamble**

The purpose of the California Occupational Safety and Health Act of 1973 is to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

On April 23, 2020, the Equal Employment and Opportunities Commission (“EEOC”) issued updated Technical Assistance Questions and Answers (“Guidance”) concerning the Americans with Disabilities Act (“ADA”) and Rehabilitation Act. The Guidance states that, despite certain restrictions under the ADA and the Rehabilitation Act concerning medical-related testing in the workplace, employers may administer a COVID-19 test to detect the virus that causes COVID-19 and determine if employees attempting to enter the workplace have the virus for the purpose of ensuring the health and safety of their workplaces. In publishing the Guidance, the EEOC recognized that an employee with the virus will pose a direct threat to the health of others.

### **II. Statement of Policy**

The purpose of this policy is to ensure the health and safety of working conditions for all TVMWD employees through the administration of COVID-19 testing for TVMWD employees. Ensuring healthy and safe working conditions and the health and safety of employees is a business necessity for TVMWD.

### **III. Authority**

Pursuant to Labor Code section 6300, et seq. and any applicable state or local public health orders, and consistent with the Equal Employment and Opportunity Commission’s April 23, 2020 Guidance and any guidance that the Department of Fair Employment and Housing may provide and any applicable state or local public health orders, TVMWD is authorized to adopt this COVID-19 testing policy.

### **IV. Compliance**

TVMWD will fully and faithfully comply with any and all applicable laws, including, but not limited to, the ADA and Rehabilitation Act, the Fair Employment and Housing Act (FEHA”) and the California Medical Information Act (“CMIA”) in the administration of this policy and associated protocol.

## V. Policy

### **Scope of Coverage:**

This policy will apply with equal force to all TVMWD employees as testing for the virus that causes COVID-19 and preventing the transmission of the virus that causes COVID-19 in the workplace is reasonably related to all TVMWD jobs.

On a case-by-case basis, The General Manager, in tandem with Human Resources, is authorized to determine that this policy will not apply to an employee if the General Manager and Human Resources determines that testing such employee is not job related or consistent with business necessity, pursuant to Cal-OSHA Labor Code § 6300, et seq.. Testing may not be job related or consistent with business necessity for a particular employee if his or her job responsibilities do not result in contact with or proximity to other people, including other employees or members of the public.

This Policy shall be effective immediately upon adoption and shall remain in effect until the Board of Directors advises employees that the Policy is no longer operative due to the end of the present public health emergency.

### **Acknowledgement of Agreement to Submit to Testing:**

TVMWD may require that employees acknowledge receipt of the notice and execute an agreement submitting to testing for the virus that causes COVID-19. Such agreement will include a CMIA authorization for release of the test results to TVMWD Human Resources Department.

### **Refusal to Submit to Testing:**

TVMWD will place any employee who refuses to submit to testing in accordance with the testing protocol associated with this policy on unpaid leave. The employee may then elect to use any earned or accrued leave to which they are entitled in order to provide compensation during the time away from work.

### **Adoption of Testing Protocol:**

The General Manager and Human Resources is authorized to adopt a testing protocol concerning the administration of COVID-19 tests for TVMWD employees.

### **Notification of Test Results:**

TVMWD will notify the employee of test results in writing and in a confidential manner. In the event of a positive COVID-19 test result, TVMWD or testing center will also inform the employee by phone call so that the employee may consult with

their health care provider and take precautionary measures to prevent transmission of the virus.

**Test Results and Any Other Health or Medical Records:**

TVMWD will store test results and any other health or medical records, in a manner consistent with applicable law and in accordance with TVMWD practice for storing medical information in a file separate from the employee's personnel file.

**Effect of Positive COVID-19 Diagnosis:**

In the event that a TVMWD employee tests positive for the virus that causes COVID-19, TVMWD will, as provided above, notify the employee of the test results. After informing the employee of the positive result, TVMWD will instruct the employee not to return to work until such time as the following occur: (1) The employee's health care provider advises the employee that it is safe for them to return to work and has provided the employee with a note certifying this, which the employee provides to TVMWD; (2) Any other signs of other COVID-19-related symptoms as determined by the Centers for Disease Control ("CDC") (e.g., cough, shortness of breath, fever, chills, headache, sore throat, repeated shaking with chills, new loss of taste or smell, and/or muscle pain) have significantly improved in the last 72 hours; and (3) At least 14 days have passed since any COVID-19 symptoms first appeared; and (D) Complying with all directives provided by their health care provider before seeking to return to work, including, but not limited to, directives regarding the length of time that the employee needs to self-isolate/quarantine, follow-up testing, and social distancing.

If any staff member is unable to obtain a doctor's note approving their return-to-work, due to healthcare restraints, the staff member must contact Human Resources to discuss self-certifying alternatives, prior to their return-to-work work.

**Leave Status of Employee with Positive COVID-19 Diagnosis:**

TVMWD will place any employee who tests positive for the virus that causes COVID-19 on paid sick leave status for the remainder of the day following the positive diagnosis. Thereafter, the employee may elect to remain on paid sick leave if they have a balance of such leave, may elect to use Emergency Paid Sick Leave as provided under the Families First Coronavirus Response Act if they have a balance of such leave, may elect another form of other earned or accrued leave, or may take such leave on an unpaid basis.

**Reservation of Right to Require Additional or Subsequent Testing:**

TVMWD expressly reserves the right to require that employees submit to additional or subsequent tests in order to ensure healthy and safe working conditions for all employees.

## **ADMINISTRATIVE POLICY AND PROTOCOLS FOR TEMPERATURE TESTING AND SCREENING FOR SYMPTOMS ASSOCIATED WITH COVID-19**

### **I. Preamble**

The purpose of the California Occupational Safety and Health Act of 1973 is to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

The Centers for Disease Control and Prevention (“CDC”) currently identifies the following symptoms as being associated with COVID-19:

- Fever, defined as 100.4 degrees Fahrenheit or higher
- Cough
- Shortness of breath or difficulty breathing
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Further, the CDC has identified the following gastrointestinal symptoms, which are less common, but still associated with COVID-19:

- Nausea
- Vomiting
- Diarrhea

Each of these symptoms is hereinafter referred to as a “symptom associated with COVID-19.”

The CDC and the California Department of Public Health recommends that employers, including public entities, implement measures designed to prevent or reduce the transmission of the virus that causes COVID-19 between and among employees and at the workplace. One method for doing so is to require that employees submit to temperature testing and certify the absence of symptoms associated with COVID-19 prior to being allowed to enter any TVMWD facility or worksite.

## **II. Statement of Policy**

The purpose of this policy is to prevent any individual who presents a fever or certifies that they have presented a symptom associated with COVID-19 from entering a TVMWD facility or worksite in order to ensure the safety and health of TVMWD workplaces.

## **III. Authority**

Pursuant to Labor Code section 6300, et seq., and consistent with guidance provided by the Equal Employment and Opportunity Commission (“EEOC”) and the Department of Fair Employment and Housing (“DFEH”), TVMWD is authorized to adopt this temperature testing and COVID-19 screening policy in order to ensure that individuals who present symptoms associated with COVID-19 do not enter TVMWD facilities or worksites and to provide a healthy and safe workplace for TVMWD employees who use such facilities and worksites.

## **IV. Compliance**

TVMWD intends to fully and faithfully comply with any and all applicable laws, including, but not limited to, the Americans with Disabilities Act (“ADA”) and the Rehabilitation Act of 1973, and the Fair Employment and Housing Act (“FEHA”) in the administration of this policy and associated protocol.

## **V. Policy**

### **Scope of Coverage:**

This policy and its requirements apply with equal force and effect to all TVMWD employees in order to enter a TVMWD facility or worksite. No employee will be exempted from the requirements set forth in this policy.

Unless otherwise stated, this policy and its protocols will also apply to members of the public, vendors, and visitors to TVMWD facility or worksite.

This Policy shall be effective immediately upon adoption and shall remain in effect until the Board of Directors advises employees that the Policy is no longer operative due to the end of the present public health emergency.



**Notice to Employees:**

TVMWD will provide notice of this mandatory policy and its protocols to all TVMWD employees. TVMWD will provide employees a copy of this policy for employees to read and review. Employees who do not receive or review such notice and the attached policy will not be excused from the policy's requirements.

**Expectations of TVMWD Employees with Respect to the Presentation of Symptoms Associated with COVID-19:**

TVMWD expects and requires that all employees who present a symptom associated with COVID-19 to immediately inform either their immediate supervisor or TVMWD's Department of Human Resources.

No employee who presents a symptom associated with COVID-19 prior to the start of the workday may report to work. Employees who develop symptoms after beginning their workday and after informing their immediate supervisor or TVMWD's Department of Human Resources will be directed to leave work.

Any employee who fails to inform their supervisor or the Department of Human Resources that they present a symptom associated with COVID-19 or who attempts to or does report to work despite the presentation of such a symptom or symptoms may face disciplinary action by TVMWD, up to and including termination.

**Posting of Signage Notifying Employees and Members of the Public:**

At each TVMWD facility and worksite, TVMWD will post signage informing employees and members of the public of TVMWD's policy requiring temperature testing and symptom screening prior to being allowed to enter TVMWD facilities and worksites.

The signage will direct employees and members of public to the designated location where TVMWD will test individual's temperatures and administer the screening questionnaire concerning the presentation of symptoms associated with COVID-19.

The signage will provide that, at the designated location, there is a copy of TVMWD's policy for review.

**Procedure for Temperature Testing and Symptom Screening:**

In accordance with the above referenced federal and state public health guidance, and in order to help prevent or reduce the transmission of the virus that causes

COVID-19 between and among employees, TVMWD will implement the following protocols.

**Social Distancing Required While Waiting for Temperature Testing and Symptom Screening:**

Consistent with TVMWD's social distancing policy, employees and members of the public who are waiting for temperature testing and symptom screening must adhere to the social distancing requirements set forth under that policy, including, but not limited to remaining at least six feet apart from any other individual.

**Submission to Temperature Testing and Symptom Screening as a Precondition to Entrance to any TVMWD Facility or Worksite:**

Prior to being allowed to enter and as a precondition to such entrance to any TVMWD facility or worksite, TVMWD employees and members of the public shall be required to submit to a temperature test and verbally attest to the absence of any presentation of symptoms associated with COVID-19.

TVMWD will treat an employee refusing to submit to either temperature testing or symptom screening prior to or during their scheduled workday as an unexcused absence.

**Protocol for Temperature Testing:**

At the designated location, TVMWD will conduct a temperature test on each employee and member of the public who wishes to access TVMWD facility or worksite.

TVMWD will take individual's temperatures by a non-invasive contactless infrared thermometer. Temperature readings will be taken at least once.

If necessary, TVMWD may take an individual's temperature a second time to confirm the results of the first test or if the first results suggest an erroneous result.

In the event that an employee or member of the public has a temperature that is 100.4 degrees Fahrenheit or higher, TVMWD will deny that individual access to TVMWD facility or worksite.

If an employee has a temperature that is 100.4 degrees Fahrenheit or higher, TVMWD will record such results on the Temperature Test and Symptom Screen Form. TVMWD will inform the individual of such tests results in a manner designed to preserve the confidentiality of the test results and instruct the individual to contact TVMWD's Human Resources Department for further instruction. TVMWD will then

promptly notify TVMWD's Human Resources Department of the temperature test results and provide the name of the employee whose test results suggested a fever.

**Protocol for Symptom Screening:**

At the designated location, TVMWD will require each employee and member of the public who wishes to access TVMWD facility or worksite to certify to the fact that they do not currently present any symptom associated with COVID-19.

TVMWD will post a list of the symptoms associated with COVID-19 and require that each individual certify orally to the fact that they do not currently present any symptom associated with COVID-19.

In the event that an employee or member of the public indicates that they currently present any symptom associated with COVID-19 or cannot certify that they do not present any such symptom, TVMWD will deny that individual access to TVMWD facility or worksite until the individual is able to certify that they do not currently present any symptom associated with COVID-19.

If an employee indicates that they currently present any symptom associated with COVID-19 or cannot certify that they do not present any such symptom, TVMWD will record this response on the Temperature Test and Symptom Screen Form. If the employee indicates which symptom they present, TVMWD will record this information on the Temperature Test and Symptom Screen Form. TVMWD will instruct the individual to contact TVMWD's Human Resources Department for further instruction. TVMWD will then promptly notify TVMWD's Human Resources Department of the employee's response to the request for certification and provide the name of the employee whose response suggested presentation of a symptom or symptoms associated with COVID-19.

This policy shall supplement any of the other policies, protocols or guidelines that TVMWD has adopted in order to prevent or reduce the likelihood of transmission of the virus that causes COVID-19 among and between employees.

## **ADMINISTRATIVE POLICY AND PROTOCOLS FOR THE USE AND DISCLOSURE OF CONFIDENTIAL MEDICAL INFORMATION RELATED TO COVID-19**

### **I. Preamble**

TVMWD implemented COVID-19 testing policy and/or a temperature testing and COVID-19 symptom screening policy and/or an accommodation policy for high-risk employees in order to ensure the health and safety of TVMWD employees in accordance with the California Occupational Safety and Health Act of 1973 and its purpose to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

TVMWD's COVID-19 testing policy and/or a temperature testing and COVID-19 symptom screening policy and/or an accommodation policy for high-risk employees authorizes TVMWD to collect certain confidential medical information about TVMWD employees. As used in this policy, medical information is defined by Civil Code section 56.5.

### **II. Statement of Policy**

The purpose of this policy is to safeguard confidential medical information in a manner compliant with the Confidentiality of Medical Information Act ("CMIA") and the Americans with Disabilities Act ("ADA") with respect to all confidential medical information that TVMWD acquires during the administration of these policies, or obtains by other means. TVMWD recognizes the importance of confidentiality concerning the information at issue and will fully and faithfully comply with CMIA in its use and disclosure of such information.

### **III. Authority**

TVMWD is authorized to conduct the COVID-19 testing and/or temperature testing and COVID-19 symptom screening and/or an accommodation policy for high-risk employees under the authority provided for under those policies.

### **IV. Compliance**

TVMWD will fully and faithfully comply with the CMIA in the implementation and administration of this policy as well as the associated COVID-19 testing policy and/or a temperature testing and COVID-19 symptom screening policy and/or an accommodation policy for high-risk employees policies.

## V. Policy

### **Scope of Coverage:**

This policy covers the confidential medical information of all TVMWD employees and applicants that TVMWD acquires or obtains and which relates to COVID-19, including, but not limited to, symptoms associated with COVID-19, positive COVID-19 test results, and other health or medical conditions that would place the employee at high-risk for a serious illness if the employee contracted COVID-19.

Specifically, this policy covers the following types of confidential medical information:

- All confidential medical information acquired by TVMWD during or as a result of the administration of TVMWD's COVID-19 testing policy and/or a temperature testing and COVID-19 symptom screening policy and/or an accommodation policy for high-risk employees. For example, the policy covers COVID-19 test results, temperature test results, the results of screenings for symptoms associated with COVID-19, and information regarding other medical conditions.

All confidential medical information that TVMWD obtains by means other than by testing administered by TVMWD. For example, the County Public Health Department may inform TVMWD that a TVMWD employee has tested positive or a TVMWD employee may voluntarily disclose a positive COVID-19 diagnosis not as the result of a test administered by TVMWD.

- All confidential medical information related to COVID-19 that TVMWD acquires or obtains, including, but not limited to, information about an employee's health or medical conditions that may put the employee at increased risk of serious illness should the employee contract COVID-19 as provided under TVMWD's accommodation policy for high-risk employees.

This policy shall be effective immediately upon adoption and shall remain in effect as long as necessary to safeguard confidential medical information acquired or obtained by TVMWD employees and as otherwise required by law.

### **Notice of Privacy Practices:**

TVMWD will provide a Notice of Privacy Practices to employees to explain their rights under this policy.

### **Permissible Uses and Disclosures of Confidential Medical Information:**

TVMWD may use and disclose an employee's confidential medical information for certain public interest and benefit purposes, including, but not limited to:

- Where there is a serious threat to public health or safety;
- To a public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease and conducting public health investigations; and
- As required by law.

The uses and disclosures of an employee's confidential information for these purposes do not require the employee's authorization.

Further, TVMWD may use and disclose an employee's confidential medical information for the following purposes:

- If compelled by judicial or administrative process or by any other specific provision of law.
- If compelled by a search warrant.
- If compelled by a medical examiner, forensic pathologist, or coroner.
- To be used in a lawsuit, arbitration, grievance, or other claim or challenge to which the employer and employee are parties and in which the employee has placed in issue his or her medical history, mental or physical condition, or treatment.
- For the purpose of administering and maintaining employee benefit plans, including health care plans and plans providing short-term and long-term disability income, workers' compensation and for determining eligibility for paid and unpaid leave from work for medical reasons.
- To first aid and safety personnel if the employee's condition might require emergency treatment.

### **Disclosures of Confidential Medical Information to the Employee:**

Employees are entitled to access and review their medical file as maintained by TVMWD. TVMWD must disclose the confidential medical information contained in the employee's medical file to the employee when requested.

### **Reasonable Safeguards for Confidential Medical Information:**

TVMWD employs reasonable safeguards in order to protect against and limit the incidental use and disclosure of employee's confidential medical information.

TVMWD will store confidential medical information in a medical file that is separate and distinct from the employee's personnel file.

TVMWD employees follow the following safeguards in order to limit the incidental use and disclosure of confidential medical information:

1. Determine who is with an employee before discussing the employee's confidential medical information.
2. Do not assume that an employee will permit disclosure of their confidential medical information to a family member or friend.
3. Request that individuals leave the room or vicinity in order to provide the employee an opportunity to object to the disclosure of their confidential medical information.
4. Dispose of unnecessary paper products that have protected health information in a shredder.

#### **Limiting the Use of Confidential Medical Information:**

TVMWD limits the use of confidential medical information to the "minimum necessary" amount needed to accomplish the intended purpose of the use of such information.

#### **Limiting the Disclosures of Confidential Medical Information:**

All requests for confidential medical information, whether routine or non-routine, are handled by TVMWD's Department of Human Resources. All TVMWD employees must therefore direct all requests for confidential medical information to TVMWD's Department of Human Resources.

#### **Accounting of Disclosures:**

Employees are entitled to an accounting of any disclosures of their confidential medical information. Should an employee request an accounting of TVMWD's disclosures of their confidential medical information, TVMWD will provide such access in a timely manner.

#### **Policy on Requests to Amend Confidential Medical Information:**

Employees are entitled to request that TVMWD amend or addend confidential medical information contained in the employee's medical file when such information is incomplete or inaccurate. Typically, a request to amend or addend protected



health information will occur during or following the employee's review of their medical file.

If the employee requests to addend the confidential medical information contained in the employee's medical file, TVMWD will add the employee's written addendum to the file. TVMWD shall provide the written addendum as part of all subsequent disclosures of the employee's confidential medical information.

If TVMWD accepts an employee's request to amend the existing record, TVMWD shall make a reasonable effort to provide such amended information to persons that the employee identifies as needing such information as well as to persons that TVMWD knows may rely on un-amended information to the program participant's detriment.

If TVMWD denies an employee's request for amendment, TVMWD will provide the employee a written denial of the request and allow for the employee to submit a statement of disagreement. TVMWD shall place both TVMWD's written denial and any statement provided by the employee in the employee's medical file.

**Policy on Requests to Restrict Use and Disclosure of Confidential Medical Information:**

Employees are entitled to request that TVMWD restrict the use and/or disclosure of protected health information. However, TVMWD is under no obligation to agree to requests for restrictions made by employees.

**Confidential Communications Policy:**

TVMWD provides employees the opportunity to request alternative means for receiving communications regarding confidential medical information.



## **ADMINISTRATIVE POLICY AND PROTOCOLS FOR THE ACCOMMODATION OF EMPLOYEES WHO ARE AT HIGH-RISK OF SEVERE ILLNESS FROM COVID-19**

### **I. Preamble**

Federal and State equal employment and opportunity laws, including the American with Disabilities Act (“ADA”) and the Rehabilitation Act, Title VII of the Civil Rights Act, the Fair Employment and Housing Act (“FEHA”), and the Age Discrimination in Employment Act (“ADEA”) impose certain obligations on TVMWD in terms of the provision of reasonable accommodations.

Absent an undue hardship to TVMWD or a direct threat to the health and safety of TVMWD employees, TVMWD may provide certain employment-related accommodations to employees who, because they are age 65 or older or have an underlying medical condition, are at higher risk of severe illness if they contract the virus that causes COVID-19, in order to reduce the risk of such employees contracting the virus. If a member of the employees’ household meets these conditions, TVMWD will consider making appropriate accommodations.

### **II. Statement of Policy**

This discretionary policy provides to qualified employees the right to request that TVMWD provide certain additional accommodations that, while not otherwise required by law, may reduce the risk of such employees contracting the virus that causes COVID-19.

### **III. Compliance**

TVMWD intends to fully and faithfully comply with any and all applicable laws, including, but not limited to, the ADA, Rehabilitation Act, the FEHA and the ADEA in the administration of this policy and associated protocol.

### **IV. Policy**

#### **Scope of Coverage:**

This policy applies to and covers all TVMWD employees who can demonstrate that they are at higher risk of severe illness if they contract the virus that causes COVID-19 because they are age 65 or older or have one or more of the underlying medical conditions enumerated below.

Based on the available information at the time that this policy was adopted, the Centers for Disease Control and Prevention (“CDC”) identifies the following

individuals as those who might be at higher risk of severe illness if the individual contracted the virus that causes COVID-19:

- People 65 years of age and older;
- People who have chronic lung disease;
- People with moderate to severe asthma;
- People who have serious heart conditions;
- People who are immunocompromised by conditions such as cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, and prolonged use of corticosteroids and other immune weakening medications;
- People with severe obesity (body mass index of 40 or higher);
- People with diabetes;
- People with chronic kidney disease undergoing dialysis; and
- People with liver disease

TVMWD expressly reserves the right to modify the above enumerated conditions based on new information or guidance provided by the CDC or other public health authorities.

This Policy shall be effective immediately upon adoption and shall remain in effect until the Board of Directors advises employees that the Policy is no longer operative due to the end of the present public health emergency.

#### **Notice from Human Resources:**

If an employee is age 65 or older, has any of the recognized underlying medical conditions enumerated herein, or another condition that the employee believes places them at higher risk for severe illness if they contract the virus that causes COVID-19, the employee may inquire with TVMWD's Human Resources Department regarding a potential workplace accommodation.

#### **TVMWD Policy Against Retaliation:**

TVMWD will not terminate, suspend, discipline, or take any other adverse employment action against an employee exercising their privileges under this Policy.

#### **Process for Accommodation Request:**

While the request for accommodation under this policy is separate and distinct from a request for a reasonable accommodation under the ADA, an employee who desires an accommodation under this policy must make such a request in accordance with TVMWD's Reasonable Accommodation Policy which is located in the Personnel Handbook.

Following receipt of the request, TVMWD's Human Resources Department will require a note from the employee's health care provider(s) certifying that the employee has a qualified underlying medical condition that exposes the employee to a higher risk of severe illness if they contract the virus that causes COVID-19. Furthermore, TVMWD's Human Resources Department may require additional information, including, but not limited to, documentation from the employee's health care provider to determine whether the employee's underlying condition necessitates an additional accommodation when the employee returns to the workplace.

Determinations regarding accommodations under this policy will be made on a case-by-case basis by TVMWD's Human Resources Manager or their designee. Accommodations may include, but are not limited to, the following:

- Alternative work assignments or locations;
- Telework;
- Reassignment;
- Increased social distancing measures; and/or
- Leave

TVMWD's Human Resources Department will work in good faith with the employee to fully consider all potential accommodations.

**No Right to Appeal Accommodation Determinations:**

Determinations made by TVMWD's Human Resources Department are final and are not subject to appeal by the employee.

## **ADMINISTRATIVE POLICY AND PROTOCOLS FOR EMPLOYEE LEAVE AND COMPENSATION UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

### **I. Preamble**

The purpose of the Families First Coronavirus Response Act (“FFCRA”) is to provide employees with paid sick leave and expanded family and medical leave for reasons related to COVID-19. (Public Law No. 116-127.)

Subsequent to the enactment of the FFCRA, the Department of Labor (“DOL”) promulgated temporary regulations to implement expanded family and medical leave under Title I of the Family and Medical Leave Act (“FMLA”) and emergency paid sick leave to assist working families facing public health emergencies. The DOL also published a correction in the Federal Register to make certain technical corrections to the regulatory text. The DOL has also provided informal guidance concerning the implementation of the emergency paid sick leave and expanded family and medical leave provisions.

This policy is intended to provide TVMWD employees with the emergency paid sick leave and expanded family and medical leave to which they are entitled under FFCRA.

### **II. Statement of Policy**

TVMWD will provide eligible employees with leave pursuant to the Emergency Paid Sick Leave Act (“EPSLA”) (*i.e.*, Emergency Paid Sick Leave) and Emergency Family and Medical Leave Expansion Act (“EMFLEA”) (*i.e.*, Emergency Family and Medical Leave) as required under the Families First Coronavirus Response Act (“FFCRA” or the “Act”). The following provisions set forth certain rights and obligations with respect to said leave.

### **III. Compliance**

TVMWD will fully and faithfully comply with the requirements set forth in the FFCRA and the regulations promulgated by the DOL in its administration of this policy.

### **IV. Policy**

#### ***Section 1. Effective Dates***

The Administrative Policy and Protocols for Employee Leave and Compensation Under the FFCRA shall expire on December 31, 2020 or when the EPSLA or EMFLEA provisions of the FFCRA are no longer effective under the law.

## Section 2. Definitions

- A. “Child Care Provider” means a provider who receives compensation for providing child care services on a regular basis. The term includes a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that is licensed, regulated, or registered under State law; and satisfies the State and local requirements. However, under the FFCRA, the eligible child care provider *need not be compensated or licensed* if he or she is a family member or friend, such as a neighbor, who regularly cares for the Employee’s child.
- B. “Emergency Family and Medical Leave” means leave provided under the EMFLEA (Sec. 3101, et seq. of the FFCRA).
- C. “Emergency Paid Sick Leave” means leave provided under the EPSLA (Sec. 5101, et seq. of the FFCRA).
- D. “Emergency responder” means the following for the purposes of employees who may be exempted from Emergency Paid Sick Leave and Emergency Family and Medical Leave: (1) Anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19; or (2) Anyone who serves in the military or national guard, or as a law enforcement officer, correctional institution personnel, fire fighter, emergency medical services personnel, physician, nurse, public health personnel, emergency medical technician, paramedic, emergency management personnel, 911 operator, child welfare worker and service provider, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.
- E. “Individual” for the purpose of Section 3.D. above means an employee’s immediate family member, a person who regularly resides in the employee’s home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she were quarantined or self-quarantined. “Individual” does not include persons with whom the Employee has no personal relationship.
- F. “Son or Daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age; or 18 years of age or older who is incapable of self-care because of a mental or physical disability. (29 U.S.C. 2611; 29 CFR 826.10(a).)

- G. "Subject to a Quarantine or Isolation Order" means a quarantine or isolation order includes quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or local government authority that cause the employee to be unable to work even though his or her Employer has work that the employee could perform but for the order. This also includes when a Federal, State, or local government authority has advised categories of citizens (*e.g.*, of certain age ranges or of certain medical conditions) to shelter in place, stay at home, isolate, or quarantine, causing those categories of employees to be unable to work even though their employers have work for them.

### **Section 3. Emergency Paid Sick Leave**

#### **Qualifying Reasons for Emergency Paid Sick Leave:**

Emergency Paid Sick Leave is only permitted for the following reasons:

- A. The employee is Subject to a Quarantine or Isolation Order related to COVID-19.
- B. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- C. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- D. The employee is caring for an individual who is Subject to a Quarantine or Isolation Order or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- E. The employee is caring for the employee's son or daughter if the child's school or place of care has been closed, or the child's childcare provider is unavailable, due to COVID-19 precautions.
- F. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

#### **Employees Eligible for Emergency Paid Sick Leave:**

- A. Subject to Sections B and C, below, all TVMWD employees are potentially eligible for Emergency Paid Sick Leave.
- B. Employees are not eligible for Emergency Paid Sick Leave if TVMWD determines that the employee's duties and services are not needed during all

or part of the period of requested Emergency Paid Sick Leave (for example, if TVMWD were to temporarily furloughed member(s) of staff). In this circumstance, TVMWD may deem that the employee is not working due to lack of work.

C. TVMWD may elect to exempt from the receipt of Emergency Paid Sick Leave any employee or class of employees who qualify as an “Emergency responder” as defined in Section 2.D. above.

1. TVMWD has designated the following job classifications as “emergency responders”:

- Shift Operators
- Operations Supervisor
- Compliance Specialist
- Instrument/Electrical Systems Operator
- General Manager

Leave Requests made by employees holding any of the above positions will be reviewed on a case-by-case basis. Leave of Absences will be permitted in cases where TVMWD can adequately source suitable aid to ensure necessary work is continued to maintain the operations of the facility.

**Amount of Emergency Paid Sick Leave:**

- Leave taken as Emergency Paid Sick Leave is in addition to any other statutory or contractual leave to which the employee is entitled.
- Full time employees working 40 hours per week may take up to 80 hours of Emergency Paid Sick Leave.
- Part time employees may take up to the average number of hours that they work over a two-week period as determined by reviewing the six-month period prior to the usage of leave. If the employee has been employed by TVMWD for fewer than six months, TVMWD will calculate the leave entitlement based on the entire period the employee has been employed.
- Employees hired on or after April 1, 2020 who took the full 80 hours of Emergency Paid Sick Leave when employed by another employer are not entitled to take any additional Emergency Paid Sick Leave with TVMWD. An employee who has taken some, but not all, of the Emergency Paid Sick Leave to which they are entitled when they were employed by another employer, is entitled only to the remaining portion of such leave from TVMWD.



- An employee who is laid off or otherwise terminated on or after March 1, 2020 and who is rehired on or before December 31, 2020 will be eligible for unused Emergency Paid Sick Leave for the qualifying reasons set forth in Section 3.

### **Employee Benefits While on Emergency Paid Sick Leave:**

The benefit amount varies based on the reason for the leave as follows:

- A. Employees are entitled to Emergency Paid Sick Leave at their regular rate of pay, subject to a cap of \$511 per day and \$5,110 in the aggregate, if they are unable to work or telework for one of the following reasons:
1. The employee is Subject to a Quarantine or Isolation Order related to COVID-19;
  2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or,
  3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- B. Employees are entitled to Emergency Paid Sick Leave at two-thirds (2/3) of their regular rate of pay, subject to a cap of \$200 per day and \$2,000 in the aggregate, if they are unable to work or telework for one of the following reasons:
1. The employee is caring for an individual who is Subject to a Quarantine or Isolation Order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
  2. The employee is caring for the employee's son or daughter if the child's school or place of care has been closed, or the child's childcare provider is unavailable, due to COVID-19 precautions; or
  3. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

### **Supplementation of Paid Accrued Leaves:**

Employees may supplement the compensation they receive if taking Emergency Paid Sick Leave (paid up to the specified limitations under the FFCRA) with their



earned or accrued leaves in order to achieve 100% of the pay the employee would normally receive in a given week for working their regularly scheduled hours.

### **Intermittent Leave**

Generally, an employee must use the permitted days of Emergency Paid Sick Leave consecutively until the employee no longer has a qualifying reason to take the leave. An employee may request Emergency Paid Sick Leave on an intermittent basis only if the employee obtains TVMWD's prior approval to do so, *and*:

- (1) The employee is not working *and* qualifies for use of Emergency Paid Sick Leave; or
- (2) The employee is teleworking; or
- (3) The employee is reporting to the worksite *and* has requested Emergency Paid Sick Leave to care for their son or daughter if the child's school or place of care has been closed, or the child's child care provider is unavailable, due to COVID-19 precautions.

TVMWD will evaluate such request to determine if such leave is operationally feasible.

### **Restoration to Prior Position:**

An employee who uses Emergency Paid Sick Leave is entitled to reinstatement to their prior or an equivalent position, unless the employee's employment would have ended regardless of whether he or she took leave.

### **Emergency Paid Sick Leave is Protected Leave:**

Emergency Paid Sick Leave is considered protected leave when used for the reasons specified in Section 3. TVMWD shall not discharge, discipline, or in any other manner discriminate against an employee for taking Emergency Paid Sick Leave.

### **Emergency Paid Sick Leave Request:**

TVMWD requests, but does not require, that the employee provide notice of the need to use Emergency Paid Sick Leave until after the first workday of usage of such leave. However, an employee may provide notice of the need to use Emergency Paid Sick Leave prior to the usage of such leave.

After the first workday for which an employee takes Emergency Paid Sick Leave, the employee must provide reasonable notice for the usage of such as soon as is practicable thereafter.

An employee may provide notice of the need to use Emergency Paid Sick Leave orally or in writing, and may provide such notice through the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to provide such notice personally.

If an employee fails to provide proper notice, TVMWD will give the employee notice of the failure and provide the employee with an opportunity to provide the required documentation, described below, prior to denying the employee's request for leave.

### **Certification of Emergency Paid Sick Leave:**

An employee who seeks Emergency Paid Sick Leave must provide the following information, orally or in writing, prior to the commencement of the leave or as soon thereafter as practicable:

- (1) Employee's name;
- (2) Date(s) for which leave is requested;
- (3) Qualifying reason for the leave; and
- (4) Oral or written statement that the Employee is unable to work because of the qualified reason for leave.

In addition, the employee must provide the following documentation in support of their request for Emergency Paid Sick Leave:

- (1) To take Emergency Paid Sick Leave because the employee is Subject to a Quarantine or Isolation Order related to COVID-19, the employee must provide the name of the government entity that issued the quarantine or isolation order.
- (2) To take Emergency Paid Sick Leave because the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19, the employee must provide the name of the health care provider who advised the employee to self-quarantine due to concerns related to COVID-19.
- (3) To take Emergency Paid Sick Leave because the employee is caring for an individual who is Subject to a Quarantine or Isolation Order related to COVID-19 or who has been advised by a health care provider to self-quarantine due

to concerns related to COVID-19, the employee must provide either: (1) The name of the government entity that issued the Quarantine or Isolation Order to which the individual being cared for is subject; or (2) The name of the health care provider who advised the individual being cared for to self-quarantine due to concerns related to COVID-19.

- (4) To take Emergency Paid Sick Leave because the employee is caring for the employee's son or daughter if the child's school or place of care has been closed, or the child's child care provider is unavailable, due to COVID-19 precautions, the employee must provide: (1) The name of the son or daughter being cared for; (2) The name of the School, Place of Care, or Child Care Provider that has closed or become unavailable; and (3) A representation that no other suitable person will be caring for the Son or Daughter during the period for which the employee takes Emergency Paid Sick Leave.

#### **Emergency Paid Sick Leave Carry-Over:**

Unused Emergency Paid Sick Leave will carryover for any employee who after termination, resignation, retirement, or other separation from employment is rehired prior to the expiration described in Section 13 below. Under no circumstances will unused Emergency Paid Sick Leave carry over after the expiration described in Section 13 below.

#### **No Emergency Paid Sick Leave Cash-Out or Conversion to Service Credits:**

Unused Emergency Paid Sick Leave may not be cashed out upon termination, resignation, retirement, or other separation from employment. Unused Emergency Paid Sick Leave may not be converted to retirement service credits.

### ***Section 4. Emergency Family and Medical Leave***

#### **Reasons for Emergency Family and Medical Leave:**

Emergency Family and Medical Leave is only permitted for the leave due to an inability to work (or telework) because the employee needs to provide care for the employee's son or daughter under the Emergency Family and Medical Leave Expansion Act. (FMLA Sec. 110 (a)(2)(A).)

#### **Employees Eligible for Emergency Family and Medical Leave:**

- A. Employees are entitled to up to 12 weeks of job-protected Emergency Family and Medical Leave if the employee satisfies the following requirements:

1. The employee has worked for TVMWD for at least 30 calendar days;
  2. The employee is unable to work (or telework) due to a need to care for the employee's son or daughter whose school or place of care has been closed, or whose child care provider is unavailable due to a COVID-19 emergency declared by either a Federal, State, or local authority;
  3. The employee has not used all available FMLA leave. Emergency Family and Medical Leave is a form of FMLA leave, and is not in addition to any other FMLA leave;
  4. There is no other suitable person (such as a co-parent, co-guardian, or usual child care provider) available to care for the employee's son or daughter during the period for which the employee takes Emergency Family and Medical Leave; and
  5. TVMWD did not exempt the employee as an "Emergency responder."
- B. Employees are not eligible for Emergency Family and Medical Leave if TVMWD determines that the employee's duties and services are not needed during the period of requested Emergency Family and Medical Leave (for example, because TVMWD has ceased offering the services that would otherwise be provided by the employee). In this instance, TVMWD may deem that the employee is not working due to lack of work.
- C. TVMWD may elect to exempt from the receipt of Emergency Family and Medical Leave any employee or class of employees who qualify as an "Emergency responder" as defined in Section 2.D. and E., above.
- a. TVMWD has designated the following job classifications as "emergency responders":
    - Shift Operators
    - Operations Supervisor
    - Compliance Specialist
    - Instrument/Electrical Systems Operator
    - General Manager

Leave Requests made by employees holding any of the above positions will be reviewed on a case-by-case basis. Leave of Absences will be permitted in cases where TVMWD can adequately source suitable aid to ensure necessary work is continued to maintain the operations of the facility.

- D. An employee who is laid off or otherwise terminated on or after March 1, 2020 and who is rehired on or before December 31, 2020 will be eligible for unused Emergency Family and Medical Leave provide that the employee had been on TVMWD's payroll for 30 or more of the 60 calendar days prior to the date the employee was laid off or otherwise terminated.

### **Amount of Emergency Family and Medical Leave:**

An eligible employee is entitled to a maximum of twelve workweeks of Emergency Family and Medical Leave during the period in which the leave may be taken (between April 1, 2020 to December 31, 2020) even if the twelve workweeks spans two twelve-month leave periods under the FMLA.

### **Employee Benefits While on Emergency Family and Medical Leave; Supplementation of Paid Accrued Leaves:**

#### **A. First Ten Days of Emergency Family and Medical Leave**

The first ten (10) days of Emergency Family and Medical Leave are unpaid.

During this period, the employee may elect to use Emergency Paid Sick Leave, as described above, if the employee has not exhausted such leave through use at TVMWD or prior employer. If the employee has exhausted the Emergency Paid Sick Leave, an employee may use their earned and accrued leaves to supplement the unpaid Emergency Family and Medical Leave in order to achieve up to 100% of the pay they would normally receive in a given week for working their regularly scheduled hours. Use of such accrued and unused leave will run concurrently with use of Emergency Family and Medical Leave.

#### **B. Emergency Family and Medical Leave After the First Ten Days**

After the tenth day, and for the remaining up to ten (10) weeks of Emergency Family and Medical Leave, an employee is entitled to compensation for such leave at two-thirds (2/3) of the employee's regular rate of pay, subject to a cap of \$200 per day and \$10,000 total.

During this period, employees may supplement the Emergency Family and Medical Leave (paid up to the specified limitations under the FFCRA) with their earned or accrued leave provided by TVMWD in order to achieve 100% of the pay the employee would normally receive in a given week for working their regularly scheduled hours.

### **Intermittent Leave:**

An employee may request Emergency Family and Medical Leave on an intermittent basis and TVMWD will evaluate such request to determine if such leave is operationally feasible.

**Required Use of Applicable Earned or Accrued Leave During Emergency Family Medical Leave:**

Employees must use all earned or accrued leave (other than sick leave, unless TVMWD allows use of sick leave for this purpose) increments concurrently with any Emergency Family Medical Leave. The employee must do so if the earned or accrued leave is available to care for the employee's child because the child's school or place of care is closed. The employee must use the earned or accrued leave in full day increments, unless TVMWD permits the earned or accrued leave to be used to supplement the Emergency Family and Medical Leave compensation in order to achieve 100% of the pay the employee would normally receive for working their regularly scheduled hours. An employee who uses earned or accrued leave concurrently with Emergency Family and Medical Leave will receive full pay until the earned or accrued leave is exhausted. Thereafter, and for the remainder of the Emergency Family Medical Leave, the employee will be paid the Emergency Family Medical Leave compensation of two-thirds (2/3) of the employee's regular rate of pay, subject to a cap of \$200 per day and \$10,000 total.

**Employee Notice of Emergency Family and Medical Leave:**

Where the need to use Emergency Family and Medical Leave is foreseeable, the employee shall provide TVMWD with such notice as soon as practicable.

TVMWD requests, but does not require, that the employee provide notice of the need to use Emergency Family and Medical Leave unit after the first workday of the usage of such leave.

After the first workday for which an employee takes Emergency Family and Medical Leave, the employee must provide reasonable notice for the usage of such as soon as is practicable thereafter.

An employee may provide notice of the need to use Emergency Family and Medical Leave orally or in writing, and may provide such notice through the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to provide such notice personally.

If an employee fails to provide proper notice, TVMWD will give the employee notice of the failure and provide the employee an opportunity to provide the required documentation, described below, prior to denying the request for leave.

**Certification of Emergency Family and Medical Leave:**

An employee who seeks Emergency Family and Medical Leave must provide the following information prior to taking leave or as soon thereafter as practicable:

- (1) Employee's name;
- (2) Date(s) for which leave is requested;
- (3) Qualifying reason for the leave;
- (4) Oral or written statement that the employee is unable to work because of the qualified reason for leave;
- (5) The name of the son or daughter being cared for;
- (6) The name of the school, place of care, or child care provider that has closed or become unavailable; and
- (7) A representation that no other suitable person (such as a co-parent, co-guardian, or usual child care provider) will be caring for the son or daughter during the period for which the Employee takes Emergency Family and Medical Leave.

**Reinstatement Upon Return:**

An employee who uses Emergency Family and Medical Leave is entitled to reinstatement to their prior or an equivalent position, unless the employee's employment would have ended regardless of whether he or she took leave.

**Employee Certification to Return to Work After Exhibiting Symptoms of COVID-19  
or Suspicion of Having or Being Exposed to COVID-19**

(May be used if a Doctor's Note is not practicable)

I, \_\_\_\_\_, certify that I have been free of fever (a "fever" is defined as 100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other COVID-19 related symptoms (e.g., cough or shortness of breath) for at least 72 hours, without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants) and, at least 14 days have passed since symptoms first appeared. I understand that if I do show further signs of having COVID-19 (e.g., fever, cough, or shortness of breath), I must inform my supervisor immediately and the District may either direct me to stay away from work or may require me to undergo a fitness for duty examination at the District's expense and according to the District's policy regarding fitness for duty examinations.

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**FORM MUST BE RETURNED TO THE HUMAN RESOURCES DEPARTMENT OR THE CHIEF  
ADMINISTRATIVE OFFICER**



**Employee Certification of Need for Paid Emergency Sick Leave**

I, \_\_\_\_\_, certify that I am unable to work (or telework) for one of the following reasons:

\_\_\_\_\_ I am subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

\_\_\_\_\_ I have been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

\_\_\_\_\_ I am experiencing symptoms of COVID-19 (e.g., fever [defined as 100.4° F [37.8° C] or greater using an oral thermometer], coughing, and/or shortness of breath) and seeking a medical diagnosis.

\_\_\_\_\_ I am caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

Relationship to individual \_\_\_\_\_

\_\_\_\_\_ I am caring for my child whose school or place of care has been closed, or whose childcare provider is unavailable, due to COVID-19 precautions.

\_\_\_\_\_ I am experiencing another substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

I understand that if my circumstances change, I must immediately inform my supervisor and Three Valleys Municipal Water District and I may be directed to report back to work (or telework).

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**FORM MUST BE RETURNED TO THE HUMAN RESOURCES DEPARTMENT OR THE CHIEF ADMINISTRATIVE OFFICER**

### Employee Certification of Need for Emergency Family and Medical Leave

I, \_\_\_\_\_, certify that I have a child who is under the age of 18, whose school or place of care has been closed, or whose child care provider is unavailable due to a COVID-19 emergency declared by either a Federal, State, or local authority. Due to the need to care for my child, I am unable to work (or telework). I understand that if my childcare needs change, I must immediately inform my supervisor and Human Resources and I may be directed to report back to work (or telework).

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**FORM MUST BE RETURNED TO THE HUMAN RESOURCES DEPARTMENT OR THE CHIEF ADMINISTRATIVE OFFICER**

## Your Social Distancing and Workplace Safety Responsibilities

### “DO”s and “DON’T”s of Compliance

- **DO** wave and say hello. **DON’T** shake hands or hug.
- **DO** wear a face covering while in public or shared areas of TVMWD. **DON’T** wear a face covering that is no longer in good repair.
- **DO** stay 6 feet away from others at all times. **DON’T** think that’s all you have to do to comply.
- **DO** comply with all signs about entrances, and exits. **DON’T** go your habitual route or squeeze in one more.
- **DO** ask yourself, “Can I accomplish this task with an email, phone call or videoconference?” **DON’T** have in-person meetings unless you really must do so.
- **DO** wipe down anything you touch with the disinfectant products provided. **DON’T** rely on others to do it for you.
- **DO** wash your hands for at least 20 seconds at least every 60 minutes. **DON’T** wait for the 60 minute mark if you use the restroom, sneeze, touch your face, blow your nose, clean, disinfect, sweep or mop, smoke, eat, drink, enter the facility or leave the facility – wash immediately after.
- **DO** use hand sanitizer when soap and water are not available. **DON’T** make this substitution a habit.
- **DO** remove any pens or items touched by public visitors from circulation. **DON’T** use them again until they have been sanitized.
- **DO** take separate **TVMWD** vehicles if possible. **DON’T** remove your face covering if carpooling.
- **DO** stay connected with friends and family during this challenging time. **DON’T** have them visit you at work.
- **DO** ask your supervisor if you have any questions about your responsibilities. **DON’T** rely on guesses or rumors.

## TEMPERATURE TEST AND SYMPTOM SCREENING FORM

[Note to Employee Administering Test and Screening: Return this form promptly to TVMWD's Human Resources Manager at [wgalarneau@tvmwd.com](mailto:wgalarneau@tvmwd.com) no later than the conclusion of the shift during which the test and screen was administered.]

Pursuant to TVMWD's Administrative Policy and Protocol for Temperature Testing and Screening for Symptoms Associated with COVID-19, TVMWD will use this form to record the results of temperature tests and symptom screenings of TVMWD employees. **This form need only be used where such tests and screenings suggest the possibility that the employee has COVID-19.**

\_\_\_\_\_  
Name of Employee Tested and Screened  
("Employee")

\_\_\_\_\_  
Date

### Temperature Test:

Employee was tested with a non-invasive contactless infrared thermometer that indicated that the employee has a fever, which is defined as a temperature of 100.4 degrees Fahrenheit or higher.

First reading: \_\_\_\_\_ degrees Fahrenheit

Second reading: \_\_\_\_\_ degrees Fahrenheit

### Symptom Screening:

Employee was asked whether they presented any of the following symptoms, which the CDC associates with COVID-19. Employee indicated that they presented the following symptom(s):

<input type="checkbox"/> Cough <input type="checkbox"/> Shortness of breath or difficulty breathing <input type="checkbox"/> Chills <input type="checkbox"/> Repeated shaking with chills <input type="checkbox"/> Muscle pain <input type="checkbox"/> Headache	<input type="checkbox"/> Sore throat <input type="checkbox"/> New loss of taste or smell <input type="checkbox"/> Nausea <input type="checkbox"/> Vomiting <input type="checkbox"/> Diarrhea
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\_\_\_\_\_  
Name of Employee who conducted the test

\_\_\_\_\_  
Date / Time

## AUTHORIZATION FOR DISCLOSURE AND USE OF MEDICAL INFORMATION

### Confidentiality of Medical Information Act (CMIA), Civil Code § 56, et seq.

Pursuant to California's Confidentiality of Medical Information Act, I, \_\_\_\_\_ [Name of Employee], authorize [Name of Health Care Provider, Laboratory, etc.] to disclose the medical information described in this authorization to representatives from the Human Resources Department of the Three Valleys Municipal Water District (TVMWD). I also authorize the same representatives from the TVMWD to use the medical information for the purposes described in this authorization.

This authorization is limited to the following types of information:

[Insert specific limitations here, e.g., COVID-19 test results, including but not limited to any results of tests administered to detect the presence of the COVID-19 virus (SARS-CoV-2)]

The recipients of this information may use the information for the following purpose(s):

[Insert specific authorized uses and any limitations on the use here, e.g., managing, controlling, and responding to COVID-19 infections among [Name of Employer] personnel, medical accommodation request, workers' compensation claim, etc.]

Expiration Date: [Name of Health Care Provider, Laboratory, etc.] is no longer authorized to disclose medical information described in this authorization after [INSERT DATE].

Right to Receive Copy of This Authorization: I understand that if I sign this authorization, I have the right to receive a copy of this authorization. Upon request, the [Name of Employer] will provide me with a copy of this authorization.

**I authorize the disclosure and use of my medical information as described above for the purposes listed above. I understand that this authorization is voluntary and that I am signing this authorization voluntarily.**

\_\_\_\_\_  
Employee's Name (print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date