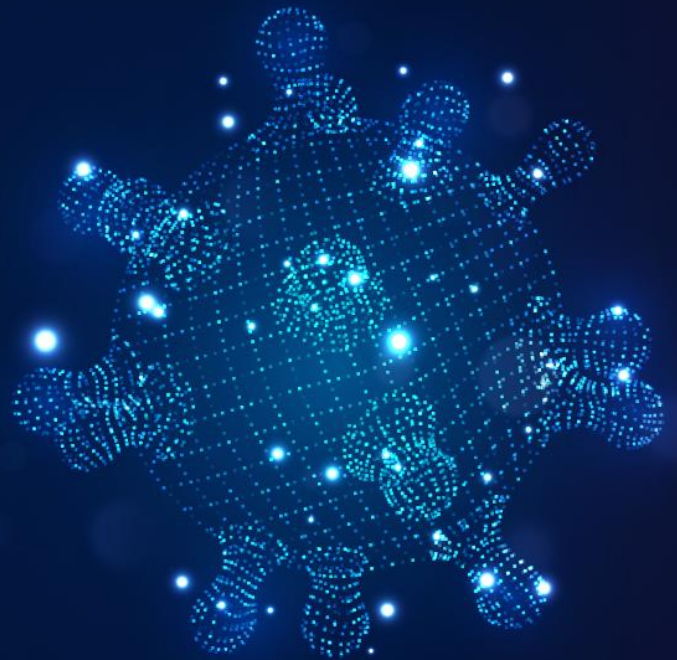




Pandemic Planning

Act now to keep
your members safe.



Contact tracing, testing, density reduction,
social distancing, hand hygiene, cleaning and
disinfection, screening and mask wearing.

UNIONSTRONG



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On Sept. 7, 2020, Gov. Andrew Cuomo signed S8617B/A10832 into law, commonly referred to as "the Preparedness Bill." The law mandates that New York and local governments across the state formulate emergency preparedness plans in advance of a communicable disease outbreak. The law specifically calls for collaboration with public sector unions like PEF to protect public workers in future health emergencies.

We have created the attached worksheet to help you as agencies seek input when creating their strategic plans. It is imperative that PEF leaders and activists make sure agencies are complying with the requirements of the statute as listed below.

We have pointed out the specific requirements of the bill, but agencies can and should go above and beyond that to provide more effective measures. We have added recommendations for those improvements to the worksheet.

- Identify "essential" vs. "non-essential" employees*
- Establish telecommuting protocols for "non-essential" staff
- Stagger work shifts to reduce workplace and public transportation density
- Provide adequate procurement, storage and training of Personal Protective Equipment (PPE)
- Enact appropriate testing, contact tracing and quarantine protocols
- Ensure sufficient emergency housing for employees who test positive and need to isolate

The law stipulates finalized plans be in place by April 1, 2021. PEF demands a seat at the table as these preparedness plans are created. Our members on the front lines of the fight against COVID-19 are truly the heroes of this pandemic and deserve no less.

In Unity,

Wayne Spence
PEF President

*Please note that while the law uses the terminology "essential" vs. "non-essential," there were a number of "essential" employees who were able to work remotely during the COVID lockdown in the Spring of 2020. Rather than using the terms "essential" vs "non-essential," the focus should be on the functions of the position and if those functions may be done remotely.

PANDEMIC PLANNING TEMPLATE

Reference: Chapter 168-S8617-B Planning for Public Health Emergencies

<https://www.nysenate.gov/legislation/bills/2019/s8617>

The pandemic plan is to be used to prepare your agency for a new or resurgence of a pandemic, such as COVID-19. Use this planning template to develop the Pandemic Plan for your agency as required by the Planning for Public Health Emergencies bill. Agencies are not limited to what is listed within the law, but may include any additional control measures they wish. There have been many changes, advancement and discoveries about the virus since the Pandemic Planning Bill was introduced, including approval and distribution of vaccines. It will be important to go beyond the statutory requirements to have a robust plan in place.

Elements which are “Statutory Requirements” and those which are “PEF Recommendations for Agency Specific Plans” are noted throughout the template. Charts are based on the statutory requirements, and are provided to assist in organizing the plan.

PEFs Labor-Management Committees must be provided a copy of the draft plan by February 4th, 2021 (150 days after the effective date of the law) for review and comment. All plans must be completed on or before April 1, 2021.

After final adoption of the agency-specific plan, the bargaining units may submit written recommendations for consideration. The Agency must respond in writing to such recommendations. Upon final approval of the plan, it shall be published in a clear and conspicuous location to inform staff on their roles and responsibilities as well as clear direction on their roles and work locations during the emergency.

Pandemic Planning Statutory requirements are in addition to those required by NYS DOH, such as contact tracing, testing, density reduction, social distancing, hand hygiene, cleaning and disinfection, screening, and mask wearing, which still apply.

SECTION A – PANDEMIC PLANNING BILL ELEMENTS

In the event of a state-ordered reduction of in-person workforce due to a declared public health emergency, the Agency Planning Bill requires the following:

1. ESSENTIAL” VS. “NON-ESSENTIAL EMPLOYEES:

Statutory Requirement: A list and description of positions considered “essential” and “non-essential”.

PEF Recommendations for Agency-Specific Plans: The employer maintains the ability to re-designate “essential” staff to meet the agency’s needs. When determining who is able to work remotely, or for determining vaccine distribution priority, it will be important to identify any staff who have high risk profiles for workplace exposures, or those who have an allergy/aversion to vaccines, so the agency may plan accordingly.

Health & Safety Pandemic Planning

Additionally, it may be advantageous to include a provision that will afford expedited vaccine access for “essential” employees at the agency (see “Vaccine Planning”).

*Please note that there were a number of “essential” employees who were able to work remotely during the COVID lockdown in the spring of 2020. Rather than using the terms “essential” vs “non-essential”, the focus should be on the functions of the position and if those functions may be done remotely.

“Essential” and “Non-Essential” Designations				
Position	Description	E or NE	Department	Location

2. TELECOMMUTING:

Statutory Requirement: A specific description of protocols the employer will follow in order to enable all non-essential employees* to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed devices or technology, including software, data, office laptops, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace.

PEF Recommendation for Agency-Specific Plans: Where appropriate and applicable, agencies should adhere to the contractually negotiated telecommuting plan. Agencies that did not implement the agreement should be encouraged to do so, especially during this heightened risk period. In those agencies that are unable to operate effectively via telecommuting, the safety protocols and requirements detailed in their agency-specific plans must ensure adequate and appropriate PPE is available for all staff, appropriate social distancing in the worksite must be implemented along with consistent testing and contact tracing to stop the spread during this heightened risk period.

Telecommuting			
Protocol	Project Leader	Resources	Recipients
Procurement			
Distribution			
Technology			
Equipment			

3. STAGGERED WORK SHIFTS:

Statutory Requirement: A description of how the employer will, to the extent possible, stagger work shifts of essential employees and contractors in order to reduce overcrowding on public transportation systems and at worksites.

PEF Recommendation for Agency-Specific Plans: To the maximum extent possible, agencies should stagger work shifts. Agency staff should develop staffing plans that meet the agency's mission from a staffing perspective. If such staggered schedules extend beyond the normal work day, such plan should take into consideration individual availability issues and be congruent with all contractual obligations with regard to scheduling.

Consider: "A/B" schedules so staff are not reporting to the worksite all on the same days; Flex Scheduling with earlier or later start and end times; Evening or Weekend work; etc.

Staggered Work Shifts
Employees:
Contractors:

4. PERSONAL PROTECTIVE EQUIPMENT:

Statutory Requirement: A description of the protocol the employer will implement in order to procure the appropriate personal protective equipment for essential employees, based upon the various tasks and needs of such employees in sufficient amounts to provide personal protective equipment to each "essential" employee during any given work shift. Such description shall also include a plan for storage of such equipment to prevent degradation and permit immediate access in the event of an emergency declaration.

PEF Recommendation for Agency-Specific Plans: The nature and type of PPE needed to keep staff safe will vary greatly dependent upon job duties. Plans must be developed using the requirements and recommendations from the Occupational Safety and Health Administration (OSHA), Center for Disease Control (CDC), National Institute on Safety and Health (NIOSH) and other regulatory agencies. Plans must be based on providing maximum protection for staff while also reducing exposure to populations served and prevention of community spread to the maximum extent possible.

Health & Safety Pandemic Planning

Employees must be instructed to continue to wear PPE/face coverings, especially indoors, until NYSDOH and/or CDC establish that the vaccines prevent transmission, or that it is safe for the public not wear face coverings.

Additional resources for agency-specific plans can be found here:

CDC Respirator Use FAQ

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/respirator-use-faq.html>

OSHA Safety and Health Topics: PPE

<https://www.osha.gov/personal-protective-equipment>

CDC Burn Rate Calculator

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/burn-calculator.html>

PERSONAL PROTECTIVE EQUIPMENT (PPE)	
Directive(s) Policy	
Face Coverings (masks)	
Titles/locations/shifts	
Patients/Inmates/Youth/Individuals	
Required PPE:	
PPE Type	
Titles /locations/shifts	
Burn rate at peak usage by PPE type	
Minimum inventory (60 day supply)	
On-site distribution plan	
Storage and retrieval plan	

5. EXPOSURE:

Statutory Requirement: A description of the protocol in the event an employee is exposed to a known case of the communicable disease that is the subject of the public health emergency, exhibits symptoms of such disease, or tests positive for such disease in order to prevent the spread or contraction of such disease in the workplace.

Such protocol shall also detail actions to be taken to immediately and thoroughly disinfect the work area of any employee known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee may have touched, and the employer policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine. Such protocol shall not involve any action that would violate any existing federal, state, or local law, including regarding sick leave or health information privacy.

PEF Recommendations for Agency-Specific Plans: Rigorous testing and tracing requirements are required to protect staff and limit community spread. Since many PEF titles will have multiple occupational exposures, all agency-specific plans should include a requirement for a 14 calendar-day quarantine after exposure with no leave charged to affected employees.

The agencies should develop specific and expedited notification processes for staff who may be exposed to protect employees and their families and to limit community spread. Notifications are not a violation of HIPAA and would serve as part of a contact tracing program as well as a reminder for staff to monitor for symptoms and follow infection control guidelines. Specific guidelines must be developed for the immediate remediation, cleaning and disinfection of affected work areas, including offices, common areas and state-owned vehicles, using the CDC, EPA, and NYSDOH cleaning protocols. Cleaning logs should be posted in clear view for employees.

It is critical that the employer develop a record keeping program to detail completion of all aspects of the agency-specific plan relative to notifications on exposures and remediate of affected areas.

Exposure and Cleaning/Disinfection Protocols		
	Positive Case Employee Population	Positive Case Client Population
Relevant Directive(s) / Policy		
Notice by Staff (report to employer of exposure / diagnosis)	Report to supervisor Referral to medical provider	

Notice by Employer	Within 24 hours to AER and Co-workers in direct contact. Proximate co-workers and building occupants	Staff with direct contact Proximate clients/staff
Testing (type, delivery, results)		
Quarantine		
Medical isolation / Treatment (client population)		
CLEANING and DISINFECTION PROTOCOLS		
Daily Cleaning		
Daily Disinfection		
High-touch Areas		
On Exposure		

6. CONTACT TRACING STAFF:

Statutory Requirement: A protocol for documenting precise hours and work locations, including off-site visits, for essential employees. Such protocol shall be designed only to aid in tracking of the disease and to identify the population of exposed employees in order to facilitate the provision of any benefits which may be available to certain employees on that basis.

PEF Recommendations on Agency-Specific Plans: Swift contact tracing is crucial to controlling exposure in the workplace. Every agency must develop detailed record-keeping requirements on efforts to quickly identify and contact trace affected staff and clients to limit workplace and community spread. Specific time requirements for employers to conduct contact tracing should be incorporated into agency-specific plans to limit worksite and community spread. Contact tracing should be done within 24 hours. Agencies should not leave it up to Local Health Departments, who are often overburdened and may have a contact lag time of 7 – 10 days.

Health & Safety Pandemic Planning

A communication system with the local Union representatives must be in place so that the union is able to adequately evaluate the risk to their members, as well as provide them with information on their rights and benefits. A notification process for employees must be established that preserves the privacy rights of individuals, but provides potential exposure information to co-workers.

Contact Tracing		
Contact Form – Elements (for employees and contractors)	Contract Tracing by employer on report of PUI or COVID positive - Elements	Benefit Information for employees (include any benefits in CBA)

7. **EMERGENCY HOUSING:**

Statutory Requirements: A protocol for how the public employer will work with such employer's locality to identify sites for emergency housing for essential employees in order to further contain the spread of the communicable disease that is the subject of the declared emergency, to the extent applicable to the needs of the workplace.

PEF Recommendations for Agency-Specific Plans: This provision may not be applicable to all agencies. Where appropriate, agencies should develop specific criteria that trigger the availability of alternative housing for staff to limit worksite and community spread. Agencies should identify potential sites and explore potential arrangements with such sites as part of their agency-specific plan in advance of a public health emergency.

Emergency Housing			
Protocol:			
Employee titles	Days / shifts needed	On-site housing?	Hotels/Dorms/Alternate Housing?

SECTION B: Additional PEF recommendations to supplement the requirements of the Agency Pandemic Planning Bill:

The Statute states the minimums that must be contained in a Pandemic Plan, but does not limit State Agencies from going beyond those minimums. Based on important advances made since the Pandemic Planning bill was introduced, PEF recommends the following elements be included in the Pandemic Plan:

8. VENTILATION

Studies have increasingly shown the prevalence of airborne transmission of SARS CoV-2, as is the case with other pathogens such as TB, influenza, or chickenpox. According to both the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and the American Industrial Hygiene Association (AIHA), transmission of airborne pathogens may be controlled by making changes to building operations, including the operation of HVAC systems, ventilation, HEPA filters and air exchange, can reduce airborne exposures.

Higher MERV rated filters function to filter out smaller virus sized particles. Increasing the amount of fresh air being brought in, and flushing that air out serves to dilute a virus and greatly reduce the exposure risk to individuals in the workspace.

Some locations, including campuses and high rise buildings, may have multiple systems or filters, and may be grouped rather than each individual unit listed.

<https://aiha-assets.sfo2.digitaloceanspaces.com/AIHA/resources/Guidance-Documents/Reducing-the-Risk-of-COVID-19-using-Engineering-Controls-Guidance-Document.pdf>

<https://www.ashrae.org/technical-resources/filtration-disinfection>

Ventilation				
Location	System Type	MERV Rating	Fresh (outside) Air Intake	Air Exchange Rate

9. TESTING PROTOCOL

Testing both client populations and employees is a key element in a strong pandemic plan. Identifying the exposure source and quarantining or isolating that source will prevent additional exposures. It is important to track testing and results to help identify any trends in exposures. (See Exposure Incident Reporting, below)

Testing Protocol - Develop procedures to deliver testing to client populations and employees.

10. TESTING PLAN

Testing Plan				
	Type of Test	Frequency	Provider	Quarantine Provisions pending test results
Client Population				
Employees				

11. RELATED EXPOSURE CONTROL PLANS – LIST ANY EXISTING POLICIES/DIRECTIVES:

It will be important to review related directives and policies the Agency has in place that include exposure control plans. If current exposure control systems are already in place for other pathogens, they may be adopted or modified for pandemic planning.

Related Directives/Policies		
Directive / Policy	Core Elements	Agency designee
TB/BBP		
Infection Control Plan		
Respiratory Protection Plan		
Flu Vaccination Plan		

12. EXPOSURE INCIDENT REPORTING/DATA REPORTING

In efforts to decrease and eliminate the hazard of COVID exposure, all employees must report exposure incidents (suspect and confirmed positives) to their immediate supervisor. Confidentiality will be maintained and employees will be protected from any adverse actions. Management is responsible for investigating, evaluating, and documenting the exposure incident, and sharing the information with the Authorized Employee Representative.

Incident / Data Reports			
SH 900s	Incident Reports	Workers Compensation reports	LM and/or H&S Committee minutes

13. VACCINE DISTRIBUTION PLAN

In the case of a pandemic, being prepared for vaccine distribution will have a great impact on the effectiveness of an intervention and reduction of illness. However, there are many reasons why some staff may be vaccine resistant, such as cultural or religious beliefs, fear of a negative physical reaction, distrust of government vaccination programs, or lack of information on the efficacy and safety of a vaccine. Joint Labor and Management development of a vaccination plan will increase the confidence of Union members in a management run system. Helpful guidance from the CDC is available at:

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/vaccination.html>

A number of elements must be planned for, including.

- Create a timeline for delivery (Phase 1 – 4)
- Identify the provider, delivery method and vaccination site
- Designate and train personnel to deliver the vaccine
- Identify and prioritize personnel for vaccination
- Provide training and education to staff on the importance of vaccinations
- Survey personnel for readiness and willingness to take the vaccine
- Identify those who may have an allergic reaction to the vaccine
- Have vaccine resisters or those not able to take the vaccine complete a declination form
- Schedule “Inoculation Rotations” so that staff are staggered in taking dose 1 and dose 2 (anticipating potential sick days for employees especially after dose 2)
- Designate contact personnel (management and Union) for questions or reports of concerns

Vaccine Distribution Plan				
Position	Department	Location	Phase/Priority	Vaccine Y/N

SUMMARY

The PEF Health and Safety Department and the Field Services Department are available to assist PEF and Agency representatives to develop pandemic plans. You may use the “Contact Us” form on the PEF website, call 800-342-4306, or email us at HealthAndSafety@pef.org.

**FOR MORE INFORMATION ON COVID-19, including Workers Compensation and COVID,
PLEASE SEE <http://www.pef.org/covid>**

Produced by the New York State Public Employees Federation

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