



**AN EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF KNOXVILLE
TEMPORARILY MODIFYING ADMINISTRATIVE RULES REGARDING
USE OF SICK LEAVE AND OTHER WORKPLACE POLICIES.**

WHEREAS, federal, state and local health authorities have warned of widespread outbreaks of the novel coronavirus now designated COVID-19, and have urged the adoption of extraordinary measures to contain the virus and prevent its spread; and

WHEREAS, such outbreaks have already occurred in the East Tennessee area; and

WHEREAS, because of such outbreaks a state of emergency has already been declared in the United States, the State of Tennessee, and the City of Knoxville; and

WHEREAS, Chapter 2, Article III, Section 3 of the Knoxville City Code sets forth provisions for certain benefits to which City employees are entitled; and


WHEREAS, Rule 5 of the City of Knoxville Administrative Rules further elaborates on those benefits, setting policy for sick and annual leave accrual and use, and also addresses other workplace issues such as work schedules and operations during inclement weather; and

WHEREAS, Rule 9 of the City of Knoxville Administrative Rules sets forth the travel policy of the City; and

WHEREAS, it is appropriate for wellbeing of City employees and their families, for the efficient operation of City government, and for the protection of the City as a whole, to temporarily supersede and modify certain of these and other affected policies during the extraordinary measures generally in place throughout the state and the nation as a result of the wide outbreak of COVID-19.

NOW, THEREFORE, I, Indya Kincannon, Mayor of the City of Knoxville, pursuant to the authority vested in me by Article III, §§ 301 and 303 of the Charter of the

City of Knoxville and by §§ 2-3 and 9-6(10) of the Knoxville City Code, hereby declare and impose temporary modification, as set forth in the attached exhibits, to the Administrative Rules of the City of Knoxville. All other provisions of the Administrative Rules of the City of Knoxville shall remain in full force and effect. The Law Director shall have the authority to make findings and issue opinions in relation to the enactment and execution of this Executive Order. This Executive Order shall be take effect on the 19th day of March, 2020, and shall be effective for a period of six months or until rescinded by further mayoral action.



Indya Kincannon
Mayor

DATE: 3-19-2020

EXHIBIT 1

Coronavirus Workplace Policies

As the City continues to monitor the local, national and worldwide incidence of the coronavirus and the illness it causes, COVID-19, employees are asked to review the following workplace policies and guidance. It is likely this information will change as the situation evolves and more becomes known. Questions may be directed to the Employee Benefits & Risk Management Department.

The City of Knoxville's priorities in setting these workplace policies are to:

- Maintain a safe and healthy workplace, including minimizing the transmission of contagious disease;
- Sustain essential services to the community and provide operational continuity;
- Encourage an ethos of fairness, open communications and concern for the wellbeing of our employees and the public.

Most Important Actions to Take Now

1. All employees are urged to take basic preventive measures, as defined by the CDC in the link below, to avoid exposure to or infection by the virus causing COVID-19.
 - <https://www.cdc.gov/coronavirus/2019-ncov/prepare/prevention.html>
2. Employees who have recently been in an area of high concern for COVID-19, which is being defined as a CDC Level 3 area (or area of high concern as defined by the CDC in the link below), should self-isolate until you receive formal advice from the Knox County Health Department.
 - <https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notice.html>

Workplace Policies (effective 3/19/20)

I. Work-Related Travel: Effective immediately, **all work-related travel is to be suspended through May 10**. No new travel request will be approved, and previously approved travel through May 10 should be suspended or canceled. This restriction does not apply to meetings within Knox County or immediately adjacent counties. This restriction does not apply to approved Mutual Aid Deployments.

II. Meetings: All city-organized in-person meetings over 10 people should be cancelled, postponed, or held virtually until after March 31. This does not apply to meetings established by law (i.e. City Council). Please contact your department director with questions.

1. Smaller meetings should be held in spaces large enough to accommodate a minimum distance of 6 feet between participants.
2. Virtual or phone conferences are highly encouraged.
3. If you attend meetings organized by partners, please model social distancing by not shaking hands and staying ~6 feet apart from other attendees.

C. Other Leave Issues:

- 1) **Reporting Sick Time:** Employees who are out sick or need to take sick leave for dependent care due to the Covid-19 pandemic are asked to enter absences (annual leave, sick time taken, or time taken for family/dependent care) online in PeopleSoft under the Coronavirus option, or ask that it be done for them. Public health authorities may ask employers to monitor and report trends in employee absenteeism.
- 2) **Return to Work:** In general, written medical clearance will **not** be required for return to work. This is being done to avoid overtaxing health care resources.
- 3) **Workers at Higher Risk:** Employees who are at increased risk for complications from COVID-19 due to underlying health conditions are urged to consult their physician about steps they can take to protect their health. These may include requesting a temporary change in job location, hours, assignment or duties, or implementation of additional protective measures to reduce their exposure to others or chances of being infected.
- 4) **Essential Employees:** The City rarely closes. Many employees must work to provide services that are essential to the citizen of our community. Additional measures and policies to support these employees are being considered.

D. Telecommuting: The City has developed a COVID-19 Telecommuting Policy. Employees may contact their Director to determine if telecommuting is an option for your position. If your telecommuting issues are not addressed by your Director, contact Christine Fitzgerald at (865) 215-4236.

Potential Additional Policy Changes

The City's workplace policies will be further amended to address any number of changing conditions, including but not limited to the effects of more widespread illness or absences, more frequent needs for self-isolation or quarantine, disruption of care arrangements or the City's priorities for pay continuity. Employees will be notified as necessary of such changes and should also check this page for updates.

Update Your Contacts

Employees with computer/internet access are asked to make sure that personal and emergency contact information is up-to-date in PeopleSoft.

- Review emergency contact information by going to PeopleSoft and selecting My Personal Details > Emergency Contacts. (In the case of employees without web access, local HR should collect missing or blank emergency contact information from employees and record it in PeopleSoft.)

EXHIBIT 2

Telecommuting Policy and Procedure During Pandemic COVID-19

I. Purpose

One of our top priorities during this pandemic is the health and safety of our employees and the citizens of our City. We also have a responsibility to support our first responders and to continue to provide essential services to those who work and live in this City. In order to achieve both missions, the Mayor is instituting a temporary telecommuting policy for employees who can complete the essential functions of their job while working from home (eligible employees).

This Telecommuting Policy applies to General Government Employees, and Department Heads are strongly encouraged to make telecommuting available to all eligible employees in their departments to the extent possible.

II. Policy

Telecommuting is a privilege, not a right. All City employees who telecommute must have an approved telecommuting agreement under this policy. A City department may have additional telecommuting requirements, guidelines, or procedures, provided they are consistent with the intent of this program.

Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Telecommuting employees must comply with all City rules, policies, practices, and instructions.

A telecommuting employee must perform work during scheduled telecommuting hours. Employees must read the telecommuting policy and technical guidelines, and submit a signed agreement to their Department Head. All employees must provide a phone number for where they can be reached during working hours.

A Department Head may deny, end, or modify a telecommuting agreement for any reason. Employees may be removed from the Telecommuting Program if they do not comply with the terms of their telecommuting agreements.

The Telecommuting Policy and Program is intended to be cost neutral. Departments may provide to designated eligible employees city-owned computer equipment on a case-by-case basis depending on the nature of their job description, however, the City is not required to provide telecommuting employees with materials or supplies needed to establish an alternate worksite (desk, chair, computer, software, cell phone, fax, copier, etc.), and assumes no responsibility for set-up or operating costs at an alternate worksite (telephone or internet services, etc.).

All City rules regarding the use of computers and the internet apply while an employee is telecommuting, regardless of whether the employee is using City-provided or personal equipment.

III. Eligibility

Eligibility for telecommuting will be determined on a Departmental level. Not every job, or every employee, is well-suited for telecommuting.

Employees who are not upholding City obligations, such as meeting performance or conduct expectations, may not be eligible to telecommute.

IV. Work Hours

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the City of Knoxville's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

All the rules applicable at the regular worksite are applicable while telecommuting. That is:

- Telecommuting employees must perform designated work during scheduled work hours
- Employees must account for and report time spent telecommuting the same way they would at the regular worksite, or according to the terms of the telecommuting agreement
- No employees may work overtime without written permission from their Department Head to do so.
- Employees must obtain approval to use vacation, sick, or other leave in the same manner as departmental employees who do not telecommute
- Telecommuting employees who become ill must report the hours actually worked, and use sick leave for hours not worked.

V. Worksite

A telecommuting employee must designate a work area suitable for performing official business. The employee must perform work in the designated area when telecommuting. Requirements for the designated work area will vary depending on the nature of the work and the equipment needed, and may be determined by the department.

Telecommuting employees must work in an environment that allows them to perform their duties safely and efficiently. Employees are responsible for ensuring their work areas comply with the health and safety requirements covered in the checklist attached to the Telecommuting Agreement. The City and/or department may request photographs of the employee's designated work area to determine compliance with health and safety rules.

Employees are covered by workers' compensation laws when performing work duties at their designated alternate locations during regular work hours. Employees who suffer a work-related injury or illness while telecommuting must notify their supervisor and complete any required forms immediately.

The City is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.

VI. Equipment and Supplies

A. City Equipment

The City is not under any obligation to provide a telecommuting employee with City equipment. However, if the City employee is deemed to be an essential employee who can perform their duties

from home if they had the necessary equipment, their Department Head has the discretion to provide the employee with City equipment in order to work from home during this temporary period of time.

A telecommuting employee does not obtain any rights to City equipment, software, or supplies provided in connection with telecommuting. The employee must immediately return all City equipment, software, and supplies at the conclusion of the telecommuting arrangement or at the Department's request.

A telecommuting employee must protect City equipment, software, and supplies from possible theft, loss, and damage. The telecommuting employee may be liable for replacement or repair of the equipment, software, or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.

Any equipment, software, files, and databases provided by the City shall remain the property of the City. A telecommuting employee must adhere to all software copyright laws, and may not make unauthorized copies of any City-owned software. Employees may not add hardware or software to City equipment without prior written approval.

B. Personal Equipment

Employees who use their personal equipment for telecommuting are responsible for the installation, repair, and maintenance of the equipment.

Telecommuting employees must understand and agree that the City is entitled to, and may access, any personal equipment used while telecommuting, such as a personal computer, telephone, fax machine, monthly bills, and internet records.

VII. Security of Confidential Information

All files, records, papers, or other materials created while telecommuting are City property.

Telecommuting employees and their supervisors shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them. A department may require employees to work in private locations when handling confidential or sensitive material. Departments may prohibit employees from printing confidential information in telecommuting locations to avoid breaches of confidentiality.

Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to City networks or databases to anyone who is not authorized to have access.

Employees who are working remotely using the Log Me In Client should always save documents on their work device; they should not save confidential information on their home device.

IX. Open Records Law

The Tennessee Public Records Act regarding public information and public records applies to telecommuting employees. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the City regardless of physical form or characteristic. Public information means the contents of a public record. Upon receipt of an appropriate request, and subject to authorized exemptions, a telecommuting employee must permit

inspection and examination of any public record or public information in the employee's custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is located.

X. Procedures

Employees must complete the following steps before telecommuting:

1. Talk with the supervisor to determine eligibility
2. Read and agree to the Telecommuting Program Policy
3. Complete the telecommute agreement form and review the checklist as required by the department
4. Receive approval of the telecommute agreement in accordance with the department's approval process

XI. Denial of Application

The City's Telecommuting Policy and Program is not subject to the Civil Service grievance procedures, or to any other review or appeal procedures, except as noted in this section.

An employee who believes the telecommute application has been denied for arbitrary or capricious reasons may appeal the decision to the department head or designee. The decision of the department head or designee is final.

XII. Exceptional Circumstances

In these exceptional circumstances, the Department will consider business needs in order to ensure that services are not disrupted, while reducing potential exposure within the City employee community.

Employees may be allowed to telecommute during these circumstances when they would not be allowed to telecommute under other circumstances.

Additionally, Departments may temporarily reassign employees to minimize critical staffing deficiencies. The reassignment must be consistent with employees' qualifications and training.

Employees who are working from home during these exceptional circumstances will be required to communicate with their supervisor daily. Details for those communications will be determined at a Departmental level (ie. email, phone call, video call).

If employees are working with confidential information while at home, they are reminded to safeguard said information and this information should be returned to the office upon completion of the telecommuting period.

Telecommuting Agreement – City of Knoxville (COVID-19 Pandemic)

The following document represents the agreement for the telecommuting arrangement between the City of Knoxville and _____ (Employee).

This document is not an employment contract and does not alter the employment status of the employee. This Telecommuting Agreement incorporates by reference the duties and responsibilities of both the City and the Employee described in the Telecommuting Policy.

Voluntary Participation

Employee voluntarily agrees to work at the approved alternative worksite indicated below and to follow all applicable policies and procedures. Employee recognizes that this telecommuting arrangement is not an employee benefit. The City will not reimburse the Employee for any costs associated with telecommuting.

Cancellation of Agreement

Employee understands that the City may cancel the telecommuting arrangement at any time and instruct the employee to resume working at a site to be designated by the Employee's Department Head. In the event that the employment relationship is terminated, all items that are the property of the City of Knoxville will be returned at a time/place to be designated by the Employee's supervisor.

Office Equipment

The City of Knoxville may pursue recovery from the Employee for property belonging to the City that is deliberately, or through negligence, damaged, destroyed, lost or stolen while in the employee's care, custody or control. The Employee is responsible for reimbursement for theft, damage, or destruction of the City's property at the alternative worksite. Repair and/or replacement costs and liability for privately owned equipment and furniture used during telecommuting are the responsibility of the Employee.

Other Action

Nothing in this agreement precludes the City from taking any appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of the Telecommuting Policy or any policies and procedures adopted by the City of Knoxville.

The Employee agrees that he/she have read and understands the Telecommuting Policy and this Agreement and agree to abide by the provisions therein.

Employee Name (Please print): _____ **Date:** _____

Employee Signature: _____ **Date:** _____

Department Head's (or Designee) Signature of Approval: _____

Date: _____

Employee's alternative work site (HOME): ADDRESS _____

Telecommuting Agreement

Telecommuting Implementation Checklist

Action Completed	Date	Employee/Employer Initials
1. Employee has read guidelines stating the policies and procedures of the program.		
2. Employee will continue to work assigned work schedule.		
3. Unless otherwise arranged in advance, the employee agrees to use own equipment to telecommute.		
4. Policies and procedures covering open records, confidential data and/or private information will only be viewed on home equipment and will not be saved on home equipment.		
5. The employee's home work area is an extension of the City's workspace. Requirements for an adequate and safe office space (i.e. working smoke detector, adequate lighting, no exposed cables in walking areas, etc.) have been discussed, and the employee certifies those requirements are met. The employee may be requested to take a photo of home work area.		
6. Employee understands that he or she is required to comply with the City's Computer Use Policy while working remotely.		
7. Performance expectations have been discussed and are clearly understood.		
8. Employee understands that the City may terminate employee participation at any time.		
9. Employee understands that failure to comply with the telecommuting guidelines may subject him/her to disciplinary action up to and including termination.		

Telework Home Office Safety Protocol

Name: _____

Organization: _____

Address: _____

City/State: _____

Telephone: _____

Please read and complete the self-certification safety checklist. Upon completion, you and your supervisor should sign and date the checklist in the spaces provided.

The alternate duty station is: _____

Describe Work Area: _____

1. Check smoke detectors.
2. Know your fire evacuation plan.
3. Place computers on a sturdy, level and well-maintained furniture. Locate computer at a height that will not cause wrist strain and neck or back strain.
4. Make sure your office chair that provide good supporting backrest to allow adjustment to fit you comfortably.
5. Make sure your office has sufficient lighting to reduce glare.
6. Ensure there are no tripping hazards, including electrical cords.
7. All electrical equipment should be connected to grounded outlets.
8. Do not overload your electrical circuit.
9. Keep files and information in a secure place.
10. Use proper lifting techniques when moving or lifting equipment and furniture.
11. Report accidents and injuries immediately to your supervisor.

I have read and will comply with the office safety guidelines as indicated above.

Employee Name: _____ Employee Signature/Date: _____

Supervisor Name: _____ Supervisor Signature/Date: _____