

DIVISION OF PUBLIC HEALTH

Policy Memorandum Number 38

Subject: Essential Employee Designation

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Approved by: _____



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I. SITUATION

The nature and extent of emergencies are often unpredictable. It is not always feasible or possible to accurately pre-identify individuals who would be necessary to report to work during such emergencies. It is also a burden on the employee as well as the agency to attempt to designate employees as “essential” when the emergency is already occurring or is imminent.

It is the intention of this policy to provide clear guidance to employees so that they can be prepared to respond to an emergency if necessary. This policy recognizes that most emergency situations are weather-related and will not require a large activation of DPH staff; however, it is the intent of this policy to inform each employee that they may be expected to report to work during an emergency.

II. POLICY/POSITION STATEMENT

Given the significant role of the Division of Public Health (DPH) in providing critical services to the public during a wide variety of emergencies, all, DPH employees are designated as having State Health Operations Center (SHOC) assignment roles and may be required to report to work during a declared State of Emergency. This does not mean that all employees must report to work during times of emergency (natural or technological). But employees must report when contacted to where they are needed in order to ensure the operations of the Division are met and the Delaware public's health and safety are protected.

III. DEFINITIONS

Emergency - for the purpose of this policy - declared by the Governor, State of Emergency, a Public Health Emergency, a declared State Emergency Response Team (SERT) event; preparedness period just prior to an impending emergency as defined by DPH director or designee; mitigation efforts to prevent or lessen the effects of the hazard; recovery period after an emergency and/or a localized public health incident requiring field investigation or response.

Essential employee – as defined in Governor’s Executive Order Number 77 – “An employee who is indispensable to the emergency service function of his or her employing agency or department and is required to assist the department or agency in meeting its operational needs.”

State Health Operations Center (SHOC) – is the centralized point for coordination of all public health response and recovery activities.

Fit for Duty – Employees are considered “fit for duty” when they are able to safely perform their duties. They must not be under the influence of alcohol or drugs or be impaired by other factors, such as serious or contagious illness OR sleep deprivation, that could impair their ability to perform and jeopardize the safety of themselves and/or others.

Executive Staff – Section Chiefs and program managers.

Situations - The DPH role in an emergency or public health incident includes, but is not limited to:

- Providing on-scene coordination of health and emergency medical response;
- Providing command, control and coordination to public health, mental health, hospital and EMS assets;
- Responding to medical emergencies;
- Investigation or physical identification of extent of contamination by biological, chemical or radiological agents;
- Investigation of disease outbreaks in the community including contact tracing and laboratory testing;
- Assistance in toxin, chemical and radiation source identification on law-enforcement sensitive crime scenes;
- Towing of supply and equipment caches to mass care operations centers;
- Establishing mobile vaccination or medication delivery sites;
- Movement of medications, vaccines and medical supplies to the medical community;
- Collecting, moving and testing of samples for testing in mobile or public health laboratories;
- Participation in Damage Assessment Teams;

- Assisting other emergency response organizations as requested and approved by the DPH Director;
- Establishing Disaster Recovery Centers to meet individual needs;
- Responding to State Health Operations Center (SHOC), Neighborhood Emergency Help Center (NEHC), Acute Care Center (ACC), State Emergency Operations Center (EOC), American Red Cross (ARC) shelters and other emergency facilities.

IV. APPLICABILITY

- A. This policy is applicable to all Division of Public Health employees including full-time merit employees, part-time merit employees, exempt employees and casual/seasonal employees. Employees who have requested and received approved sick, vacation or compassionate leave will not be contacted to respond except in extreme emergencies that severely impact the health and safety of the public, thus requiring the response of those employees.
- B. Employees must be “fit for duty” to report to work.
- C. The Division Director or his/her designee(s) will determine the extent of the activation based on the nature of the situation and inform the Executive Staff. Identified employees will then be contacted either by an automated phone emergency notification system or by the Executive Staff and told to report. Employees will report to their designated work sites unless otherwise specified by their supervisor or the Division Director or his/her designee(s). An employee who has not been contacted by their supervisor (or designee) or via an automated phone emergency notification system during an emergency should not report. If an employee who has not been contacted by his/her supervisor or via an automated phone emergency notification system and reports to work, he/she will not be compensated and will be sent home.

V. RESPONSIBILITIES

- A. DPH Director or designee:
- Assess extent of emergency and agency operational needs
 - Initiate SHOC activation procedures
- B. DPH Supervisors:
- Inform all employees in writing of designation as essential, non-essential or as having a SHOC role prior to an emergency.

- Place a copy of notice in employee's DPH personnel file.
- Inform potential employees during the interview process of the potential to be identified as an essential employee and the likelihood of having a SHOC assignment role.
- Designation as an essential employee shall be indicated in the employee's performance plan. Use the following language:
The position is designated as an essential position and the employee's presence at work is required to assist DPH in meeting its operational needs.
- Designation as a non-essential employee shall be indicated in the employee's performance plan. Use the following language:
The position is designated as a non-essential position and the employee's presence at work during an emergency is not required to assist DPH in meeting its operational needs. The employee is not required to report to work during an emergency.
- Designation as having a SHOC assignment role shall be indicated in the employee's performance plan. Use the following language:
The position is designated as having a State Health Operations Center (SHOC) assignment role. The employee may be called upon to perform functions pertinent to any particular emergency. This includes, but is not limited to, coming to the work site (or an alternate work site) when other state offices are closed to perform emergency work functions at the request of the supervisor, Section Chief, Deputy Director or Director. The employee will be contacted and notified of their reporting status. Employee is not on Stand-by status and is not required to remain by the telephone. Unless the employee has been contacted and directed to report, the employee is not required to report to work during an emergency.
- Employees may report to another person during and following the emergency as determined by DPH's SHOC assignments, emergency plans and conditions. Notify employees of their SHOC assignments, SHOC supervisors and SHOC reporting sites (viewable on public folders at DHSS/DPH/SHOC/SHOC Assignments). Share updated SHOC assignment listings with staff.

- In the event a State of Emergency is declared during work hours and state offices are closed, or Delaware's Homeland Security Threat Level Orange or Red is declared - all DPH Section Chiefs or his/her designee(s) are on-call and available should they be needed. If the State Emergency Operations Center (EOC) is fully activated, the designated DPH staff will report to that location.
- When necessary, contact employees to notify them of their reporting status.

C. DPH Employees (this applies to DPH supervisors as well as all other employees):

- Make reasonable accommodations to be prepared for activation as an essential employee or having a SHOC role. Examples include: child and dependent care arrangements; bringing an adequate supply of medications and eye glasses; and bringing an overnight suitcase, toiletries bag, and snacks, etc.
- In the event of an impending or current weather condition, if the employee has not been contacted by their supervisor or designee, they should not report to work
- In the event a State of Emergency is declared during work hours and state offices are closed, each employee shall not leave work until contacted by his/her supervisor and advised of his/her reporting status prior to leaving the work site.
- Employees may be assigned to report in another capacity and to another individual during and following the emergency, as determined by DPH's SHOC assignments, emergency plans and conditions. Employees should be aware of their SHOC assignments, SHOC supervisors and SHOC assignments (viewable on public folders at DHSS/DPH/SHOC/SHOC Assignments).

VI. REFERENCES

Delaware Code, Title 20, Military and Civil Defense, Part II Civil Defense, Chapter 31 Emergency Management
<http://delcode.delaware.gov/title20/c031/index.shtml>

Executive Order Number Seventy-Seven (77) Regarding State Employee Obligations And Compensation During Severe Weather Conditions And Emergencies

SHOC Policies and Procedures

<http://www.delawarepersonnel.com/diversity/execorders/EO77.pdf>

VII. EFFECT

- A. This Policy becomes effective immediately.
- B. This Division Policy supersedes all other policies, directives, or rules related to this subject.