



Administrative Policy

# ACCESS TO CITY BUILDINGS OR FACILITIES DURING A MEDICAL EPIDEMIC OR PANDEMIC

AP No.

AP 3-39

Effective Date:

August 4, 2021

## 1. POLICY STATEMENT

This City of Houston ("City") intends to minimize the impact of a medical epidemic or pandemic by providing standard procedures and guidelines for screenings, including body temperature readings of people entering City of Houston ("City") Premises and requiring the use of face coverings in City Premises, based on guidance from the Centers for Disease Control and Prevention ("CDC"), if applicable, such as the CDC's guidance for responding to COVID-19, as amended from time to time. The City is implementing these procedures and requirements in an effort to reduce the spread of an epidemic or pandemic disease in the workplace, provide a safe working environment for City employees, and protect the visiting public.

## 2. SCOPE

This policy applies to all persons entering any City Premises, including but not limited to City employees, City contractors, tenants, and guests (including members of the general public). This policy does not apply to non-City employees entering the buildings housing the City of Houston Municipal Courts. Such non-City employees shall be subject to the COVID-19 Operating Plan for the City of Houston Judiciary ("Plan") approved by the Presiding Judge of the Eleventh Administrative Judicial Region, as the Plan is amended from time to time.

## 3. DEFINITIONS

**Building Manager:** A person assigned to handle the day-to-day operations of a City Premises.

**City Employee:** Any person who is an employee of the City, including but not limited to interns and temporary employees. For purposes of this policy, this term includes elected officials of the City of Houston, members of City boards and commissions, municipal court judges, and City volunteers.

**City Premises:** A building or facility that is owned by the City or is in the possession of the City by a lease or other right and that is regularly occupied by City employees and utilized for the purpose of conducting City business. The portion of a premises, if any, to which this policy applies includes the interior of any building or portion of a building that is under the control of the City. City Premises includes (i) City airports (i.e. George Bush Intercontinental, William P. Hobby and Ellington airports) and (ii) buildings or areas of buildings, managed by an entity to whom the City has authorized to provide its own security (i.e. Houston First Corporation), such as the George R. Brown Convention Center. The term City Premises does not include outdoor spaces.

**Citywide FMLA Coordinator:** A person designated by the Human Resources (HR) Director to assist in administering, coordinating, and facilitating the process established by the Family Medical Leave Act for the entire City.

**Department FMLA Coordinator:** A person designated by the HR Director to assist in administering, coordinating and facilitating the processes established by the Family Medical Leave Act within a specified department.

Approved:

Handwritten signature of Sylvia Turner.

Date Approved:

08/02/2021

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Epidemic: The occurrence of more cases of a disease than would be expected in a community region during a given period of time.

Face Covering: A covering made from cloth or similar materials that effectively covers an individual's mouth and nose. For purposes of this policy, this term includes homemade cloth masks, scarves, bandanas, handkerchiefs, neck gaiters, clinical masks, specialized medical grade or surgical masks, as well as N95 or K95 respirators or filtered masks.

FMLA Coordinator: Means either the Citywide FMLA Coordinator or the Department FMLA Coordinator or both.

Informal Positive Corrective Action: Means and includes any one or more of the following actions: informal discussion, coaching, or performance improvement discussion as each is described in section 7.4 of [A.P. 3-7: Positive Corrective Action Program](#).

Medically tolerate a face covering: Means a person who does not have a medical or physical condition that would prevent the person from wearing a Face Covering. For purposes of this policy, a non-City employee who is under the age of 2, has trouble breathing, is unconscious, incapacitated or otherwise unable to remove the Face Covering without assistance is not able to medically tolerate a Face Covering. A City Employee who has been granted a medical accommodation pursuant to [A.P. 3-34: Reasonable Accommodation Policy for Employees and Applicants with Disabilities](#) is not able to medically tolerate a Face Covering, including without limitation any employee who was granted an accommodation for any of the reasons applicable to a non-City employee who is deemed not able to medically tolerate a Face Covering.

Pandemic: An epidemic over a wide geographic area and affecting a large portion of the population.

Pandemic Containment Coordinator (Coordinator): A individual designated in compliance with all other City policies by the Directors of HR or the General Services Department or their designee who is responsible for the overall coordination of the disease containment screening process for a City Premises.

Temperature Screening Kiosk (TSK): A device containing a contactless camera and temperature sensing technology that reads and reports an individual's body temperature.

#### **4. POLICY DETAILS**

4.1 This policy may be activated, suspended, or terminated in whole or in part (i.e. the temperature screening procedure or Face Covering requirement) at the discretion of the Mayor of the City of Houston or the Mayor's designee.

#### **5. ROLES AND RESPONSIBILITIES**

5.1 The Pandemic Containment Coordinator shall:

5.1.1 Recommend to and assist the Building Managers with the development of the sites at which to locate and place TSKs to ensure adequate coverage for all entrances to City Premises that are subject to the screening procedures contained in this policy.

5.1.2 In conjunction with the Building Manager, where applicable, ensure that the necessary supplies for individuals to engage in the self-temperature screening process are available at or near the TSK each day the City Premises is open to City Employees and others seeking access to the City Premises, such as wrist bands, masks, batteries for the thermometers, thermometers and (when a TSK is not available or operational at the designated location).

5.1.2.1 Monitor and anticipate the supply needs for each City Premise for which the Coordinator is responsible.

5.1.2.2 Work with the City's Office of Emergency Management and/or Strategic Procurement

Division to ensure that supplies are purchased timely and delivered to the City Premises for which the Coordinator is responsible.

- 5.1.3 Notify the Building Manager if a City Premises needs notices or informational posters to be posted, which materials will outline the screening procedures set forth in this policy and the symptoms of or other information regarding the disease that has been declared an epidemic or pandemic at every entrance and exit to a City Premises that is subject to the screening procedures contained in this policy.
- 5.1.4 Complete any training requirements established by this policy or the Director of Human Resources or her designee relating to this policy.
- 5.1.5 Maintain the confidentiality of all personal or medical information, if any, learned of or obtained during the screening process.

5.2 Each City Employee shall:

- 5.2.1 Monitor their health and report any symptoms of the epidemic or pandemic disease identified by the CDC and/or other local public health official to their Department FMLA Coordinator.
- 5.2.2 Not report to work if the employee has a fever greater than or equal to 38C/100.4F and notify the employee's supervisor and Department's FMLA Coordinator of the absence.
- 5.2.3 Upon entry into the City Premises for the first time each day, self-screen at the TSK and only proceed with entry into the City premises if the TSK indicates the employee does not have a fever greater than or equal to 38C/100.4F (which is usually indicated on the TSK by a green square and checkmark or thumbs up image indicating a fever has not been detected).
- 5.2.4 Immediately, contact the employee's supervisor and Department FMLA Coordinator for additional screening when any one or more of the following occur:
  - 5.2.4.1 The employee has any of the symptoms of the epidemic or pandemic disease that have been identified by the CDC and/or local public health authority or has had any of the symptoms of the disease within 24 hours of reporting to work; or
  - 5.2.4.2 The TSK indicates the employee has a temperature reading equal to or greater than 38C/100.4F (which is usually indicated on the TSK by a red square and language stating entry is denied).
- 5.2.5 Refrain from reporting to work or remaining on the City Premises if the TSK indicates the employee has a temperature reading equal to or greater than 38C/100.4F (which is usually indicated on the TSK by a red square and language stating entry is denied).
- 5.2.6 If necessary, request an accommodation for any practice outlined in this policy in accordance with [A.P. 3-34: Reasonable Accommodation Policy for Employees and Applicants with Disabilities](#).
- 5.2.7 Follow the procedures outlined in this policy.

5.3 The Department FMLA Coordinator shall:

- 5.3.1 Conduct additional screenings on City Employees self-referred or otherwise referred to the Department FMLA Coordinator to make a recommendation to the employee's Department Director or designee as to whether the employee should be granted access to City Premises.
- 5.3.2 Refer employees who meet the criteria for additional screening to the Citywide FMLA

Coordinator.

- 5.3.3 Store any screening records in compliance with the City's retention records schedule and in a safe and secure manner to maintain the confidentiality of the records. Records containing a City Employee's medical information must be maintained in a separate file and kept confidential, such as the City's medical file for that employee.

5.4 The Citywide FMLA Coordinator shall:

- 5.4.1 Conduct additional screenings on City Employees who are referred to the Citywide FMLA Coordinator.
- 5.4.2 Provide information to the City Employee's Department Director or designee for a determination on whether the employee should be permitted in the workplace.
- 5.4.3 Store any screening records in compliance with the City's retention records schedule and in a safe and secure manner to maintain the confidentiality of the records. Records containing a City Employee's medical information must be maintained in a separate file and kept confidential, such as the City's medical file for that employee.

5.5 The Building Manager shall:

- 5.5.1 Collaborate with the Coordinator(s) regarding the implementation of this policy.
- 5.5.2 Assist in establishing the screening area to ensure that all individuals can be screened appropriately.
- 5.5.3 Collaborate with the Coordinator on the placement of signage such as signage relating to social distancing, Face Coverings, and the denial of entry to any person who may have a temperature of 38C/100.4F or above.
- 5.5.4 In collaboration with the Coordinator, establish the location to place appropriate signage regarding the screening process to alert the public of the process prior to arriving at the screening area.
- 5.5.5 In conjunction with the Coordinator, where applicable ensure that the necessary supplies for individuals to engage in the self-temperature screening process are available at or near the TSK each day the City Premises is open to City Employees and others seeking access to the City Premises, such as wrist bands, masks, batteries for the thermometers, thermometers and (when a TSK is not available or operational at the designated location).

## 6. PROCEDURES

6.1 Temperature Screening Procedure:

- 6.1.1 Upon attempting to enter the City premises for the first time each day and any subsequent entry in the same day during which a person is not wearing or in possession of the designated wristband for that day, each person older than 2 years of age shall conduct a self-temperature screening at the TSK by following the instructions on the TSK.
- 6.1.2 Individuals admitted to any City Premises may be required to submit to another self-temperature screening at the TSK upon entry or re-entry to any City Premises during the same day as the initial screening.

- 6.1.3 If the TSK indicates the person does not have a fever greater than or equal to 38C/100.4F (which is usually indicated on the TSK by a green square and checkmark or thumbs up image), take a wristband available at the temperature screening station.
- 6.1.4 If the TSK indicates the person has a fever greater than or equal to 38C/100.4F (which is usually indicated on the TSK by a red square and language stating entry is denied), the person shall not enter or access the City Premises until such date and time as the person passes the TSK self-temperature screening.
- 6.1.5 If a City employee refuses to self-screen at the TSK, a Department Director or his or her designee shall code the City Employee's time as AWOL and not pay the employee for the time not spent at work when the employee was hereby denied admittance into the workplace due to the employee's refusal to submit to the temperature screening required by this policy.
- 6.1.6 If a City Employee is prohibited from accessing the City Premises due to the employee conducting a self-screening at the TSK and having a temperature of 38C/100.4F or above, the employee:
- 6.1.6.1 shall immediately contact his or her supervisor and Department FMLA Coordinator, by phone and/or email, for additional screening; and
  - 6.1.6.2 Refrain from entering the City premises until the employee has been cleared to return to work by his or her supervisor or Department FMLA Coordinator.
- 6.1.7 City Employees may utilize appropriate leave to cover their absence from work or be maintained in an unpaid status when they are prohibited from entering the City premises due to the TSK indicating the employee has a fever equal to or greater than 38C/100.4F.
- 6.1.8 City Employees who are delayed to their workplace due to participation in the temperature screening pursuant to this policy, shall not be recorded as tardy for the purposes of any City or department attendance policy. City Employees who are delayed to their workplace due to participation in screening pursuant to this policy should be allowed to adjust their work schedules to ensure they are paid for their entire shift. Adjusting work schedules, should include but is not limited to adjusting their meal break, working beyond their assigned shift, and/or using accrued appropriate leave, if requested by the employee and approved by the supervisor.
- 6.1.9 Any personal or medical information obtained during the screening process or in otherwise implementing this policy is considered confidential and should not be discussed with friends or colleagues, except that the medical information may be shared with the FMLA Coordinator.
- 6.1.10 If the City Employee notifies the Department FMLA Coordinator that the employee has a fever equal to or greater than 38C/100.4F (whether determined by the TSK, employee, or a medical provider) or has self-identified as having had any symptoms, as identified by the CDC and/or the local public health authority, of or exposure to the epidemic or pandemic disease, the Department's FMLA Coordinator shall contact the employee's immediate supervisor, if the Department's FMLA Coordinator has not already made contact in compliance with any other procedures for screening employees in the workplace during the medical pandemic or epidemic.
- 6.1.11 The temperature screening process does not apply to (a) any individual under 2 years of age, and (b) emergency services personnel, such as firefighters or law enforcement officers, or other personnel, entering City Premises to respond to an emergency. An alternate temperature screening process other than the TSK may be employed, on a case by case basis, as a medical accommodation upon request by the person to be self-screened, to the extent the HR Director, in consultation with the Directors of the Legal and Health Departments, or their designees, as appropriate, determines an alternate process, that fulfills the purpose of this policy, is warranted. City Employee accommodation requests will be handled in accordance with [A.P. 3-34: Reasonable Accommodation Policy for Employees and Applicants with Disabilities](#).

6.1.12 A City Employee's failure to comply with the temperature screening process and procedures and obligations imposed on the employee in relation to the same may result in positive corrective action, at the discretion of the employee's Department Director or designee, as outlined in [A.P. 3-7: Positive Corrective Action Program](#).

## 6.2 Face Covering Requirement:

- 6.2.1 All City employees able to medically tolerate a Face Covering shall wear a Face Covering that fully covers the individual's nose and mouth upon entering the City Premises and while on City Premises in an area where social distancing measures are difficult to maintain. Areas where social distancing measures are difficult to maintain may include, but are not limited to elevators, restrooms, meeting rooms or offices where people cannot sit at least six feet apart from each other, copier or break rooms, or other interactions with the public or other City Employees where the participants cannot maintain social distancing of six feet or greater. Conversely, a City Employee is not required to wear a Face Covering while the employee is alone in his or her office or cubicle or in a cubicle or work area that is more than six feet from the next cubicle or work area.
- 6.2.2 Any City Employee able to medically tolerate a Face Covering who refuses to wear a Face Covering while entering or upon City Premises shall immediately contact his or her supervisor.
- 6.2.3 A City Employee who does not have a Face Covering upon entry may enter the City Premises to obtain and ultimately wear, in compliance with this policy, a Face Covering that is in or available at the employee's workspace.
- 6.2.4 City Employees may request an accommodation to the Face Covering requirement of this subsection from their (1) immediate supervisor; (2) Departmental ADA Liaison; or (3) Citywide ADA Coordinator as outlined in [A.P. 3-34: Reasonable Accommodation Policy for Employees and Applicants with Disabilities](#).
- 6.2.5 If a City Employee knows he or she is unable to medically tolerate a Face Covering, the employee shall use all reasonable diligence in requesting an accommodation.
- 6.2.6 The City may, but is not required to, provide Face Coverings to City Employees or members of the public who wish to enter a City Premises.
- 6.2.7 City Employees must ensure that any Face Covering they wear has a professional and businesslike appearance. City Employees are prohibited from wearing Face Coverings that contain or display any wording, images, or logos that are inappropriate for the workplace (e.g. derogatory or offensive pictures, epithets, lewd symbols, or profanity).
- 6.2.8 Supervisors should endeavor to utilize reminders, education, and warnings to obtain compliance with the Face Covering requirement in this policy. However, where circumstances warrant it, a City Employee's repeated failure to comply with the Face Covering requirements of this policy may result in Informal Positive Corrective Action (i.e. informal discussion, coaching or performance improvement discussion), at the discretion of the City Employee's Department Director or designee, as outlined in [A.P. 3-7: Positive Corrective Action Program](#).

## 7. CONFLICT AND REPEAL

- 7.1 This Administrative Policy supersedes Administrative Policy 3-39, Access to City Buildings or Facilities During a Medical Epidemic or Pandemic, with an effective date of July 1, 2021, which shall be of no further force or effect.
- 7.2 In the event of a conflict between this Administrative Policy and any federal or state law, statute, regulation, or order, the federal or state law, statute, regulation or control supersedes this Administrative Policy.

**8. RELATED DOCUMENTS AND INFORMATION**

- Attachment A – FMLA Coordinators' Contact Information

**9. POLICY SPONSOR**

**Department:** Human Resources Department and General Services Department