

**CITY OF NEWPORT
EMERGENCY ORDER NO. 2020-37**

**ENACTING A TEMPORARY COVID-19
BODY TEMPERATURE SCREENING POLICY
FOR EMPLOYEES AND VISITORS TO CITY FACILITIES
AND REPEALING EMERGENCY ORDER NO. 2020-09 IN ITS ENTIRETY**

WHEREAS, the Governor of the State of Oregon declared a state of emergency for the state on March 8, 2020, finding that COVID-19 created a threat to the public health and safety and constituted a statewide emergency; and

WHEREAS, the City of Newport declared an emergency on March 13, 2020, which was ratified by the City Council at its March 16, 2020 meeting; and

WHEREAS, the President of the United States signed a proclamation declaring a national emergency concerning COVID-19 on March 13, 2020; and

WHEREAS, local, state, and national public health agencies have instituted guidelines, recommendations, and actions to curb the spread of the disease in an attempt to “flatten the curve” of the disease’s progression in the United States. Many of those recommendations have been adopted by states and local governments across the country. In Oregon, the Governor has issued Executive Orders 20-01 through 20-20, and 20-22, 20-24, 20-25, 20-27, 20-28, 20-29, 20-30, 20-37, 20-38, 20-56, 20-58, 20-59, and 20-65 to address COVID-19 closures and reopening of certain facilities, limiting public gatherings, higher education restrictions, and other needs and requirements related to the COVID-19 pandemic; and

WHEREAS, the City of Newport has taken steps to provide for the safety and health of its employees and visitors to city facilities by adopting a temporary policy related to body temperature screening; and

WHEREAS, the Temporary COVID-19 Body Temperature Screening Policy applies to employees and visitors to city facilities, and repeals, in its entirety, Emergency Order No. 2020-09.

I, Spencer R. Nebel, City Manager for the City of Newport, hereby order:


December 1, 2020 Approved a Temporary COVID-19 Body Temperature Screening Policy for employees and visitors to city facilities.



Spencer R. Nebel, City Manager



Temporary COVID-19 Body Temperature Screening

POLICY NUMBER: COVID-19.6	EFFECTIVE DATE: April 13, 2020
REVISION DATE: April 14, 2020	REVISION NUMBER: One
November 30, 2020	REVISION NUMBER: Two
CITY MANAGER APPROVAL: 	DATE: 11-25-20

POLICY

This policy is intended to remain in effect only for the duration of the declared public health emergency related to COVID-19.

The CDC and state/local health authorities have acknowledged community spread of COVID-19 and issued attendant precautions. EEOC has re-issued guidance confirming specifically that the COVID-19 pandemic permits employers to measure employees' body temperatures before allowing them to enter the worksite.

The City of Newport is implementing daily temperature checks of all employees entering city owned facilities to ensure the health and safety of employees and the public.

Employees will have their temperature checked each day upon arriving to work or as soon as possible after the start of their work shift.

This policy applies to all visitors entering city owned facilities. This includes vendors, contractors, citizens, USPS, and cleaning staff.

Definitions

The EEOC defines a direct threat as "a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.-If an individual with a disability poses a direct threat despite reasonable accommodation, he or she is not protected by the nondiscrimination provisions of the ADA.

Direct Threat under ADA

DIRECT THREAT AND PANDEMIC INFLUENZA, COVID-19, AND OTHER PUBLIC HEALTH EMERGENCIES

Based on guidance of the CDC and public health authorities as of March 2020, the COVID-19 pandemic meets the direct threat standard. The CDC and public health authorities have acknowledged community spread of COVID-19 in the United States and have issued precautions to slow the spread, such as significant restrictions on public gatherings. In addition, numerous state and local authorities have issued closure orders for businesses, entertainment and sport venues, and schools in order to avoid bringing people together in close quarters due to the risk of contagion. These facts manifestly support a finding that a significant risk of substantial harm would be posed by having someone with COVID-19, or symptoms of it, present in the workplace at the current time.

Process

Employees

- A touchless thermometer (forehead/temporal artery thermometer) will be used.
- Employees will be required to have their temperature taken upon arriving to work each day.
- Most city facilities will have a designated test facilitator or designee at an established location for the testing to occur. In other areas, employees will be responsible for taking and recording their own scans.
- Employee temperature checks will be recorded daily. Only last name of the employee, the date, and the temperature reading will be recorded. If other COVID-19 symptoms are being experienced, that will also be documented. The recording (and any related symptoms) will be treated as a confidential employment medical record and will be maintained in Human Resources.
- Employees with a measured temperature of at least 100.0 degrees Fahrenheit will be considered to have a fever.
- If an employee has a measured temperature of at least 100.0 degrees Fahrenheit, they will immediately report this information to their supervisor and they will be required to leave work immediately.
- The employee should seek appropriate medical advice.

Visitors

- A touchless thermometer (forehead/temporal artery thermometer) will be used.
- Individuals will be required to have their temperature taken before or immediately after entering a city owned facility.
- Individuals with a measured temperature of at least 100.0 degrees Fahrenheit will be considered to have a fever and will not be allowed in the facility. If they are already in the facility, they will be asked to leave immediately.
- The individual should seek appropriate medical advice.

Confidentiality

All information gathered will be treated as confidential medical information under the Americans with Disabilities Act (ADA); specifically, the identity of workers exhibiting a fever or other COVID-19 symptoms and this information will only be shared with members of management with a true need to know. Records of temperature readings will be maintained in Human Resources.

During a pandemic, the EEOC has determined that ADA-covered employers may ask employees if they are experiencing symptoms of the pandemic virus. For COVID-19, these include fever, chills, cough, shortness of breath and sore throat. The city will ask employees if they are experiencing any of these symptoms. The city will maintain all information about employee illness as a confidential medical record in compliance with the ADA. These records will be maintained in Human Resources.

COVID-19 is not a disability covered by the ADA but other respiratory conditions that last longer could be. So while asking about coronavirus symptoms is permitted, the city will not ask about symptoms of other conditions. Please direct these issues to Human Resources.