



# TOWN OF BOW

## Town Manager

10 Grandview Road, Bow, New Hampshire 03304

Phone (603) 223-3910 | Website [www.bownh.gov](http://www.bownh.gov)

## PROTECTION OF PUBLIC AND EMPLOYEE SAFETY DURING COVID-19 PANDEMIC

### DIRECTIVE ORDERS as of May 21, 2020

#### DIRECTIVE ORDER NO. 1

Effective: March 17, 2020; Amended May 21, 2020

#### Town Buildings, Facilities and Grounds

##### 1. Buildings closed to the public.

Effective Tuesday, March 17, 2020, the Bow Municipal Building, Baker Free Library, Department of Public Works, Community Building, and Old Town Hall are closed to the public. Access is limited to authorized Town personnel as determined by the Bow Town Manager. Safety Center access is limited to Fire Department, Police Department and Emergency Management Department emergency personnel only. Employees will still report to work either onsite or remotely from home and will continue to answer the public's phone calls and emails. We encourage our residents to use online services where applicable. Drop boxes for public use will be located outside of the Bow Municipal Building, Baker Free Library, Department of Public Works, and Community Building.

##### 2. Grounds closed to the public.

- ~~• The Community Building parking lot and grounds are closed to the public, effective March 27, 2020, at 1:00 p.m. (replaced by Directive Order No. 5)~~
- Per order of the Board of Selectmen, the following Town of Bow playground facilities are closed to the public: AI St. Cyr Playground at Sargent's Park, Grandview Road; Jennie Holt Playground and James Loomis Playground at the Richard Hanson Memorial Recreation Area, Albin Road, effective April 3, 2020 at 3:00p.m. (added April 4, 2020)

#### DIRECTIVE ORDER NO. 2

Rescinded: April 30, 2020

**The provisions of Directive Order No. 2 are null and void as of April 30, 2020**

**DIRECTIVE ORDER NO. 3**  
**Effective: March 25, 2020; Amended: May 5, 2020**

**1. Receiving incoming Mail and Packages.**

The Municipal Building, Safety Center, Department of Public Works facility are to provide an outside receptacle for all incoming mail and a covered location for packages. Delivery persons are not to enter the building. The mail carrier and any delivery personnel are not to enter the building.

~~**2. Processing and distributing mail and packages.**~~

**The provisions of Para. 2. Are null and void as of May 5, 2020**

**3. Outside service providers in Town buildings or facilities. (added March 26, 2020)**

If it is necessary to allow an outside contractor or service provider into any Town building or facility, the Department Head (or designee) is required to notify the EOC at 223-3940. Department heads will ask contractors if they have been exposed to anyone with cough, fever or difficulty breathing within the last fourteen (14) days or if they have been experiencing those symptoms themselves. If answering yes, they are NOT to enter the building or facility. The work area will need to be disinfected by Town staff after the work has been completed

**DIRECTIVE ORDER NO. 4**  
**Adopted by Board of Selectmen: April 28, 2020**  
**Issued: April 30, 2020**

**I. Purpose**

The purpose of this policy is to reflect the criteria and the protocols for the administration of the Federal Emergency Paid Sick Leave Act, the Emergency Family Medical Expansion Act, and the Families First Coronavirus Response Act (collectively “COVID-19 Legislation”). To the extent a conflict exists between this policy and applicable federal or state law, such law will govern.

**II. Authority**

These policies are adopted by the Board of Selectmen.

**III. Effective Date**

These policies are adopted effective April 1, 2020 and shall remain in effect until the later of December 31, 2020 or the expiration of the pertinent provisions COVID-19 Legislation related to the subject matter of this policy, as those acts have been and may be amended.

**IV. Impact on Existing Town Policies**

Except as otherwise expressly provided herein, this Emergency Policy shall not alter, repeal, amend, or otherwise modify any provisions set forth in the “Personnel Plan, Code of the Town of Bow, Chapter 136” (hereinafter “Personnel Policies”) or any other policy, regulation, or ordinance enacted by the Bow Board of Selectmen.

## V. Applicability

This policy shall apply to all eligible employees of the Town of Bow, except for those employees that are excluded below.

## VI. Definitions

For the purpose of this policy only, and notwithstanding any different definitions set forth in the Town's Personnel Policies, the following definitions apply herewith:

- A. Eligible Employee: a part-time or full-time employee who has been employed by the Town for at least 30 calendar days by the Employer. Eligible employees shall not include Health Care Providers or Emergency Responders employed by the Town, who are not eligible for Emergency Sick Leave or Emergency Family Leave under the COVID-19 Legislation. For the purposes of this paragraph, Health Care Providers include the Health Officer and the Deputy Health Officer. For the purposes of this paragraph, Emergency Responders include employees of the Police Department (excluding Administrative Assistant), the Fire Department, the Emergency Management Department, and the Department of Public Works (excluding Administrative Assistant).
- B. Full-time employees: Individuals who are regularly scheduled to work at least 40 hours per calendar week. An employee who does not have a normal weekly schedule shall be considered to be a full-time employee if the average number of hours per workweek that the employee was scheduled to work, including hours for which the employee took leave of any type, is at least 40 hours per workweek over a period of time that is the lesser of: (i) the six month period ending on the date on which the employee takes Emergency Sick Leave or Emergency Family Leave (as defined herein) or (ii) the actual amount of time the employee has worked for the Town.
- C. Part-time employees: Individuals who are regularly scheduled to work less than forty (40) hours per week. For the purposes of calculated hours worked per work week for the purposes of this policy, a part-time employee without a regular schedule shall be deemed to work the number of hours per week based on either: (a) for employees that have been employed by the Town in excess of six (6) months, fourteen (14) times the average number of hours that the employee was scheduled to work each calendar day over the six month period ending on the date on which the employee takes Paid Sick Leave, including any hours for which the employee took leave of any type or (b) for employees employed by the Town less than six (6) months, fourteen (14) times the number of hours the employee and the employer agreed to at the time of hiring that the employee would work on average or the average number of hours per calendar day that the Employee was scheduled to work over the period of employment.

## VII. Emergency Sick Leave

- A. Qualifying Circumstances: Eligible full and part time employees, as defined herein, are entitled emergency paid sick leave ("Emergency Sick Leave"), in amounts described below, for an absence related to COVID-19 if they are unable to work for any of the following reasons:
  - 1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
  - 2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
  - 3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

4. The employee is caring for an individual who is subject to an order as described in VII (A) (1) or self-quarantine as described in VII (A) (2).
5. The employee is caring for a minor child if the child's school or place of care has been closed or the child's childcare provider is unavailable due to COVID-19 precautions; or
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

B. Duration of Leave: The duration of Emergency Sick Leave shall be as follows:

1. Full time employees are eligible for up to eighty (80) hours of Emergency Sick Leave;
2. Part-time employees are eligible for up to the number hours of leave that the employee works on average over a two-week period in accordance with the calculation set forth in Section VI (C); and

C. Calculation of Emergency Sick Leave Pay

1. For qualifying circumstances identified in Section VII (A) (1) through (3), eligible employees shall be entitled to their full rate of pay, or the applicable minimum wage, whichever is higher. In no event shall an employee be entitled to more than \$511 per day or \$5,110 in the aggregate for any Emergency Sick Time taken for qualifying circumstances identified in Section VII (A)(1) through (3).
2. For qualifying circumstances identified in Section VII(A) (4) through (6), eligible employees shall be entitled to 2/3 their rate of pay. In no event shall an employee be entitled to more than \$200 per day, or \$2,000 in the aggregate, for Emergency Sick Time taken for qualifying circumstances identified in Section VII (A) (4) through (6).

D. Impact on Other Leave Emergency Sick Leave is available for immediate use, after April 1, 2020, and will not carry over from year to year and will expire upon the expiration of this Policy. Employees who encounter one of the circumstances above should use Emergency Sick Leave prior to using other sick or vacation leave. The Town will not require employees to use employer-provided paid time off before using the Emergency Sick Leave provided under this Policy; however, employees may supplement Emergency Sick Leave with other paid leave time. Once Emergency Sick Leave is exhausted employees may use other accrued paid leave in accordance with the Town's Personnel Policy as approved by their supervisor. Under no circumstances shall unused Emergency Sick Leave be payable to the employee.

VIII. Emergency Family Leave

- A. Qualifications Circumstances: Eligible full and part time employees, as defined herein, are permitted to take up to twelve (12) week of leave if they are unable to work/telework due to a need to take care of their minor child resulting from (1) a school closure due to a public health emergency or (2) unavailability of a childcare provider due to a public health emergency (a public health emergency is one declared by local, State, or Federal authorities). An employee that teleworks will be authorized to take Emergency Family Leave provided, due to qualifying circumstances, the employee is unable to telework.

B. Duration of Leave: The total amount of Emergency Family Leave is twelve (12) weeks in the aggregate. The twelve (12) weeks authorized under Emergency Family Leave may be taken intermittently (for example, if an employee takes 8 weeks of Emergency Family Leave to care for their child whose school is closed due to COVID-19 related reasons, that employee could take up to four (4) workweeks of traditional FMLA leave under the Town's Personnel Policy for a serious health condition later in the twelve (12) month period). No employee may take in excess of twelve (12) weeks of Emergency Family Leave during the duration of this policy, even if that period spans two (2) FMLA leave-month periods. If an employee has already taken the full twelve (12) workweeks of FMLA leave during the twelve-month period, the employee may not take Emergency Sick Leave.

C. Compensation During Leave:

1. The first ten (10) days of an employee's leave under the Emergency FMLA Expansion Act is to be unpaid unless the employee is also eligible for emergency sick leave as described in Section VII, in which case the paid emergency sick leave will be applied. Employees may choose to substitute any employer-provided paid leave during the initial ten (10) days of leave. Other than emergency sick leave, employees are not required to use Town-provided paid leave at any point during the employee's leave taken under this law.
2. After the first ten (10) days, the employee will be compensated at 2/3 their normal pay for the number of hours the employee typically works each week, up to \$200 per day, \$12,000 in the aggregate.
3. An employee will not be required to use accrued sick or vacation leave during the Emergency Family Leave; however, an employee may use accrued sick leave should the employee desire to be paid at their full rate of pay, rather than 2/3. For part time employees, the number of hours worked shall be subject to the calculation set forth in Paragraph VII (B).

IX. Leave Requests

- A. Where leave is foreseeable, an employee should submit a request for leave to their Department Head as soon as possible on the FFCRA Leave Request Form.
- B. The Town reserves the right as part of the review of any request for leave that the employee provides information demonstrating that the employee qualifies for Emergency Sick Leave or Emergency Federal Leave under this policy. Such information shall be limited to the information authorized by the United States Department of Labor Regulations.
- C. Denials of leave under this Policy may be appealed to the Town Manager within forty-eight (48) hours.
- D. You may be required to submit documentation evidencing your fitness for duty prior to your return to work.

X. Unemployment

In response to COVID-19, New Hampshire and the Federal Government are expanding unemployment benefits. If you experience a reduction in hours or otherwise lose work because of COVID-19 you should contact New Hampshire Employment Security at <http://www.nhes.nh.gov>, or by calling 603-271-7700.

**XI. Workers Compensation**

Employees of the Town of Bow may qualify for Workers Compensation as follows related to COVID-19:

- A. An employee who contracts COVID-19 through a known positive source as a result of employment will be covered for their resulting medical expenses and lost wages for both the prescribed quarantine and recovery periods.
- B. An employee who is required to quarantine following an actual or potential exposure to COVID-19 as a result of employment, but who does not contract the virus, will receive coverage for the cost of the prescribed testing and prophylaxis, and for the lost wages resulting from quarantine for a period of up to fourteen days. This coverage remains in effect during the Governor's State of Emergency and may be extended by Primex should conditions related to this pandemic warrant.

Employees who believe they qualify should alert their supervisor immediately, who should then contact Joyce Mooers in the Finance Office who shall file the Workers Compensation claim with Primex, the Town's Workers Compensation coverage provider.

**XII. Short-Term Disability**

Employees who receive a positive test for COVID-19 may, subject to the terms of the applicable Short-Term Disability Insurance policy, qualify for Short-Term Disability insurance and should notify their supervisor immediately, who should contact Joyce Mooers in the Finance Office to begin the process of filing the Short-Term Disability claim. Short-Term Disability will not cover 14-day quarantine and there is an 8-day grace period for all illnesses.

**DIRECTIVE ORDER NO. 5  
Issued: May 21, 2020**

The Community Building parking lot and grounds are opened to the public, effective May 22, 2020

Dated: May 21, 2020

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David L. Stack  
Town Manager