

AMENDED EMPLOYEE COVID-19 MANDATORY OUTBREAK TESTING COMPLIANCE POLICY

Adopted October 05, 2020

The below Amended Policy pertains only to COVID-19 Mandatory Outbreak Testing related to only the Rockingham County Rehabilitation and Nursing Center (the facility). This Amended Policy will be in effect from the date of the adoption of this Amended Policy (noted above), and supersedes and replaces the Employee COVID-19 Mandatory Outbreak Testing Compliance Policy previously adopted by the Rockingham County Board of Commissioners on September 21, 2020. This Amended Policy will remain in place unless further amended or discontinued by the Rockingham County Board of Commissioners in the Board's discretion and/or unless and until updated guidance is released by the U.S. Department of Health and Human Services and the Centers for Medicare and Medicaid Services, at which time this Amended Policy may be further amended or discontinued, as appropriate. This Amended Policy also may be amended or discontinued, as appropriate, as the COVID-19 pandemic evolves and as guidance and/or requirements are issued by other federal or State of New Hampshire authorities. All facility staff within the Rockingham County Rehabilitation and Nursing Center MUST adhere to this Amended Policy pertaining to Mandatory Outbreak Testing. For purposes of this Amended Policy, "facility staff" includes employees, consultants, contractors including vendors, volunteers, and caregivers who provide care and services to residents on behalf of the facility, and, if applicable, students in the facility's nurse aide training programs or from affiliated academic institutions. For purposes of this Amended Policy, an "outbreak" is defined as a new COVID-19 infection in any healthcare personnel (HCP) or any nursing home-onset COVID-19 infection in a resident of the Rockingham County Rehabilitation and Nursing Center. As noted above, this Amended Policy applies to only Mandatory Outbreak Testing and not to (1) other forms of routine COVID-19 testing, including but not limited to a facility staff member's individualized need to undergo COVID-19 testing based on the facility staff member's personal circumstances; or (2) any other testing or interactions with health care providers or testing facilities, including but not limited to visits to healthcare providers or wellness checks.

On August 25, 2020, the Centers for Medicare and Medicaid Services (CMS), a division of the U.S. Department of Health and Human Services, published an interim final rule which establishes Long-Term Care (LTC) Facility Testing Requirements for Staff and Residents. This rule requires facilities to test residents and staff for COVID-19 based on parameters set forth by the Health and Human Services Secretary. The testing is aimed at preventing COVID-19 from entering nursing homes, detecting cases quickly and stopping transmission. CMS and Rockingham County are committed to taking critical steps to ensure our facility continues to respond effectively to the COVID-19 pandemic.

**Notice of Mandatory Outbreak Testing**

1. In the event there is an outbreak as defined in this Amended Policy, Mandatory Outbreak Testing will occur for all facility staff at the Rockingham County Rehabilitation and Nursing Center. You will receive advanced notice of the date and time of the Mandatory Outbreak Testing and the



24-hour testing timeframe pertaining to the Mandatory Outbreak Testing, and the Mandatory Outbreak Testing will be provided on County property.

### **Testing Sites for Mandatory Outbreak Testing**

2. If a facility staff member is on-shift during the designated Mandatory Outbreak Testing 24-hour timeframe, he/she must be tested on-site at the County.
3. If a facility staff member is off-shift during the Mandatory Outbreak Testing 24-hour timeframe, in order for the County to best manage costs associated with the Mandatory Outbreak Testing, the facility staff member must come to the County for the Mandatory Outbreak Testing that is conducted on-site at the County.
4. If a facility staff member is off-shift during the Mandatory Outbreak Testing timeframe and is unable due to extenuating circumstances to come to the County for the Mandatory Outbreak Testing that is conducted on-site at the County, he/she shall be tested at a recognized off-site testing facility and during the Mandatory Outbreak Testing 24-hour timeframe. Please note that a personal preference to receive Mandatory Outbreak Testing at an off-site testing facility is not in itself an extenuating circumstance. For purposes of this Amended Policy, a **recognized off-site testing facility** is any of the following which offer COVID-19 testing: an urgent care facility, a walk-in clinic or a primary care provider's office. Facility staff members testing off-site must obtain prior approval from Human Resources before undergoing the Mandatory Outbreak Testing at a recognized off-site testing facility. In order to facilitate off-site testing, the facility staff member must do the following:
  - a. Contact Human Resources at 603-679-9337 and receive pre-approval from Human Resources prior to the provided Mandatory Outbreak Testing date and before undergoing Mandatory Outbreak Testing at a recognized off-site testing facility.
  - b. Receive Mandatory Outbreak Testing during the provided testing 24-hour timeframe, and use best efforts to obtain an appointment for the Mandatory Outbreak Testing to avoid unnecessary wait time at the recognized off-site testing facility.
  - c. Provide confirming documentation from the testing facility to Human Resources which confirms that the Mandatory Outbreak Testing was performed during the testing 24-hour timeframe, and which confirms the starting and ending time of the Mandatory Outbreak Testing appointment or visit for the Mandatory Outbreak Testing.
  - d. If the facility staff member is a Rockingham County employee, provide to Human Resources a written receipt for any out-of-pocket cost of the Mandatory Outbreak Testing procedure itself for reimbursement by the County. If the facility staff member is not a Rockingham County employee, but rather a contracted worker is employed by a Vendor or a third party (such as persons who serve as Agency workers or Travelers), the facility staff member should submit any requests for reimbursement to the Vendor or third party who is their employer.
  - e. Forward test results to Human Resources as soon as they are available.

## **Payment for Mandatory Outbreak Testing for Rockingham County Employees and Contracted Workers**

5. Facility staff members who are Rockingham County employees, as well as contracted workers, will only be paid by their respective employers for the time they spend on-site testing awaiting and undergoing Mandatory Outbreak Testing, or if unable due to extenuating circumstances to come to Rockingham County, at a recognized off-site testing facility awaiting and undergoing Mandatory Outbreak Testing.

6. Rockingham County non-exempt employees, as well as non-exempt contracted workers, who are on-shift during the Mandatory Outbreak Testing time frame shall receive the Mandatory Outbreak Testing on-site at the County and remain punched in and not perform any additional time clock punches until either the end of their scheduled shift or at the conclusion of their Mandatory Outbreak Test, whichever is later.

7. Rockingham County non-exempt employees, as well as non-exempt contracted workers, who are off-shift and come on-site for the Mandatory Outbreak Testing must punch in at the Hilton Kronos time clock upon arrival at the County and prior to getting in line to be tested. Immediately after receiving the Mandatory Outbreak Testing, off-shift Rockingham County non-exempt employees, as well as non-exempt contracted workers, should punch out at the Hilton Kronos time clock, unless that out punch would occur after the start of a scheduled shift for the non-exempt employee or non-exempt contracted worker in question. In this specific instance, the individual should just report for their scheduled shift and not punch out.

8. Rockingham County salaried-exempt employees per their specific timekeeping policy, and any salaried-exempt contract workers, should not punch for their time while undergoing the Mandatory Outbreak Testing because these individuals are already compensated for their time.

9. Rockingham County non-exempt employees or non-exempt contracted workers awaiting and undergoing Mandatory Outbreak Testing at a recognized off-site testing facility will only be paid from their check-in time at the recognized off-site testing facility through the check-out time after testing has been completed. As noted above, proof of this information must be provided to Human Resources and will be required to ensure and maintain accurate records for payroll or accounts payable purposes.

10. To the extent that any facility staff member is a Rockingham County employee and also a bargaining unit member subject to a current collective bargaining agreement (CBA) which contains call-back provisions which are applicable to this Mandatory Outbreak Testing, the applicable provisions of the CBA would govern any payment due to the bargaining unit member in question.

### **Cost of Mandatory Outbreak Testing**

11. As noted above, in order to control costs associated with the Mandatory Outbreak Testing, facility staff members must receive Mandatory Outbreak Testing on-site at Rockingham County, unless they are unable to do so due to extenuating circumstances. Please note that the costs



associated with Mandatory Outbreak Testing for facility staff members who are not Rockingham County employees will be borne by the applicable Vendor or third party, and not by Rockingham County.

**Communications with Human Resources for Individuals on Leave Status**

12. If you are in a leave status or on approved time off during Mandatory Outbreak Testing, you must contact Human Resources for guidance about whether it is necessary for you to undergo mandatory outbreak testing based on the circumstances and duration of your leave or time off, and you also must contact Human Resources prior to returning to work.

**Consequences of Refusal to Undergo Mandatory Outbreak Testing**

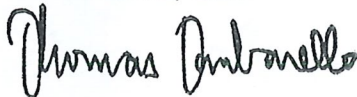
13. If a facility staff member refuses to undergo a Mandatory Outbreak Test, he/she will need to remain out of the facility for at least 14-calendar days from the testing date. If he/she is able to work from home and his/her O/DD approves, he/she will be expected to do so during this time. As applicable, he/she may be eligible under certain circumstances for Emergency Paid Sick Leave (EPSL) under the Families First Coronavirus Response Act. As applicable, the facility staff member must utilize his/her own Rockingham County accrued time if EPSL is not available. If the facility staff member has exhausted his/her Rockingham County accruals, the time away from the facility will be unpaid and the facility member will be expected to pay the employee's share of applicable health insurance premiums. The facility member must contact Human Resources upon refusal of the Mandatory Outbreak Test to confirm the facility member's status, as set forth above, during the facility staff member's time out of the facility. The facility staff member will also need to contact Human Resources prior to returning to work.

Please understand that these are precautionary measures to help prevent you, your coworkers, and the individuals we serve from becoming infected, and we thank you in advance for your participation in Mandatory Outbreak Testing.

Approved on October 05, 2020



Kevin St. James, Chair



Thomas Tombarello, Vice Chair



Kevin Coyle, Clerk

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