



# COVID-19 and Municipal Governments

## A Hot Topic Q & A for Tennessee Municipalities

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The first case in the United States of 2019-nCoV, the 2019 novel coronavirus, now classified as COVID-19, was diagnosed on January 20, 2020, in Snohomish County, Washington. Since then, more people have been diagnosed with COVID-19, and cities are struggling to find information of how to respond to the spread of the virus and how the virus will affect the city's ability to continue to provide municipal services. This MTAS Hot Topic will provide some guidance for cities on these issues.

## One of My Employees Just Came to Me and Said They May Have COVID-19.

Unless they are very ill, tell your employee to go home and contact their primary health care provider for additional advice. People who think they may have COVID-19 or are mildly ill are encouraged to avoid the emergency room. Currently, there is no treatment for COVID-19 except supportive care. The employee should remain at home and self-quarantine for 14 days. The availability of testing for COVID-19 is very limited, so you should take precautions even without a positive test result.

Find out who the employee had contact with while at work. Document those exposures and consider sending those personnel home if the exposures are deemed to be of close proximity (within six feet), for more than a brief length of time, and with the possibility of personal contact (handshake, etc.) or the spreading of droplets. Though COVID-19 can be spread by various methods, the primary route of exposure is through the respiratory system.

Clean (remove dirt, germs, impurities, etc.) and then disinfect (kill germs on surfaces) any surfaces the employee touched. A bleach solution of 1/3-cup of bleach to a gallon of water will kill the COVID-19 virus.

## What Can We Do to Prevent the Spread of COVID-19 in City Facilities?

- Cities should increase the frequency of the cleaning and disinfecting of city facilities. All facilities should be cleaned daily, and more frequent cleaning may be needed for high traffic areas.
- Check the labels on commercial cleaning products to see if the product is capable of killing the coronavirus. If not, use a bleach solution. A bleach solution of 1/3-cup of bleach to a gallon of water will kill the COVID-19 virus.

- Provide hand sanitizer or wipes at counters where the public interacts with employees.
- Wipe down shared work surfaces frequently with disinfectant wipes that contain at least 70% alcohol or are otherwise capable of killing the coronavirus.

Cities should encourage staff and visitors to city facilities to do the following:

- Wash their hands frequently and use alcohol-based sanitizer if soap and water is not available.
- Practice respiratory hygiene and cough etiquette.
- Observe social distancing: try to maintain a distance of 6 feet from others, reduce the length of time for face-to-face contacts, and avoid handshakes and close personal contacts.
- Consider allowing employees whose jobs permit to work from home.
- Order employees to remain at home during times of illness.

Cities should consider recommending that residents conduct as much business as possible by telephone, email, mail, or through drive-up windows. Complete applications on-line, pay bills by mail and on-line, and call or email city staff if they have questions. Call city staff before going to a city facility. Provide hand sanitizer to city staff working the drive-up window.

### **Should We Close Recreational, Meeting, and Similar Facilities?**

Generally, yes, but cities may want to make that decision on a case-by-case basis. Closing communal recreational facilities and meeting spaces is a social distancing practice that will help reduce the spread of the COVID-19 virus.

The Centers for Disease Control (CDC) currently advises that all events of fifty (50) or more people should be cancelled from now until at least May 11, 2020.

### **What Should We Do About Staff Meetings?**

For internal city meetings or staff meetings, limit the number of people in attendance. Provide separation between attendees, if possible, and avoid handshakes. Provide hand sanitizer and wipe down the table and other surfaces after the meeting is over. Consider using technology, such as video conferencing, to conduct the meeting entirely, or to limit the number of people attending the meeting in person. City employees should use their best judgment about holding internal meetings and attending external meetings.

## How Can I Protect Our First Responders?

Firefighters, EMS personnel, and police officers may come into contact with COVID-19 positive persons, or with persons who may have been exposed to a COVID-19 positive patient, in the course of employment. The risk to first responders is minimized by the use of universal precautions to prevent the transfer of blood or body fluids, and this includes the use of personal protective equipment (PPE) which includes latex exam gloves, N95 or better masks, a full-frontal gown, and face protection to prevent splash or droplet exposure. The number of first responders responding to the incident should be kept to a minimum. Most transmissions are through respiratory droplets, so first responders who are not needed for patient care or other services should remain at least six (6) feet away from the person. Only one first responder, wearing all of the PPE, should conduct an interview or examination of the patient. If the patient is mildly ill, the first responder should suggest that the person self-quarantine at home, as the only treatment for COVID-19 is supportive (fever reducers, fluids, rest). If the person is very sick, or insists on going to the hospital, the first responders who will be involved in treating, moving, and transporting the patient should wear full PPE. Once the patient has been transported, or the incident is over, the PPE should be removed carefully, disposed of properly, and all first responders should wash their hands for at least 30 seconds. While wearing PPE, all tools, equipment, and other items used on the incident should be cleaned (removal of dirt, germs, impurities, etc.) and disinfected (killing of germs on surfaces) with a bleach solution, and the persons cleaning the equipment should then wash their hands for 30 seconds. With the proper use of full PPE preventing the transmission of the COVID-19 virus, the contact with the person does not count as an exposure, and the first responders may return to duty.

## How Can I Protect Our Sanitation and Wastewater Workers?

The COVID-19 virus has been detected in the feces of some patients diagnosed with COVID-19. The amount of virus released from the body (shed) in stool, how long the virus is shed, and whether the virus in stool is infectious are not known. According to the CDC, the risk of transmission of COVID-19 from the feces of an infected person is also unknown, but the risk is expected to be low based on data from previous outbreaks of related coronaviruses.

Encourage sanitation workers and wastewater treatment plant operations to follow routine practices to prevent exposure to wastewater. Provide your workers who handle human waste or sewage with proper personal protective equipment (PPE), including goggles or face shields to protect from splashes of human waste or sewage, liquid repellent coveralls, waterproof gloves, and rubber boots. Train them on the proper use of the PPE. Provide handwashing facilities on the trucks and in facilities and require handwashing with soap and water immediately after removing PPE.

## One of My Employees Had an On-The-Job Exposure, What Do I Do?

If an employee has been exposed, the employee should be sent home, asked to self-quarantine for 14 days, and told to contact his or her primary health care provider for advice. To prevent cross-infection of other people, it is recommended that exposed or mildly ill persons do not go to a doctor's office unless they call first. The primary health care provider will determine if the employee needs to be tested. Document the exposure, including all persons the employee had contact with. If the employee was in a city facility or vehicle, first clean (remove dirt, germs, impurities, etc.) while wearing exam gloves and then disinfect (kill germs on surfaces) the surfaces and things the employee came in contact with. A bleach solution of 1/3-cup of bleach to a gallon of water will kill the COVID-19 virus.

## Is Exposure to the COVID-19 Virus Covered Under Workers' Compensation?

Probably not. COVID-19 is a virus, much like the flu and other infectious diseases. To be covered under Workers' Compensation, there must be an occupational exposure. Even if an employee, such as a first responder, has an occupational exposure, it may not qualify for a Workers' Compensation claim, as COVID-19 is present in many places.

If you believe that there are unusual circumstances surrounding the exposure, go ahead and complete the Tennessee Employer's First Report of Work Injury forms, and any other required documentation, and talk with your Workers' Compensation insurance carrier.

## **Public Entity Partners has the following advice for cities that have Worker's Compensation coverage through PEP:**

It is possible that local government employees could be exposed to the COVID-19 coronavirus. In the event that one of your employees is directly exposed to this virus please follow normal reporting procedures for work related injuries and illnesses. Every claim must be investigated to determine compensability and is evaluated based on the particular event and circumstance and the rules and regulations of the Tennessee Workers' Compensation Statute.

Generally speaking, in order to qualify for coverage under workers' compensation, a disease must be covered under Tennessee's occupational disease statute. Tennessee law defines occupational diseases as "diseases arising out of and in the course of employment" and classifies a disease as an occupational disease if:

- It can be determined to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment;
- It can be fairly traced to the employment as a proximate cause;



- It has not originated from a hazard to which workers would have been equally exposed outside of the employment;
- It is incidental to the character of the employment and not independent of the relation of employer and employee;
- It originated from a risk connected with the employment and flowed from that source as a natural consequence, though it need not have been foreseen or expected prior to its contraction; and
- There is a direct causal connection between the conditions under which the work is performed and the occupational disease. Diseases of the heart, lung, and hypertension arising out of and in the course of any type of employment shall be deemed to be occupational diseases.

Here is the link to the Public Entity Partners webpage on coronavirus:

<https://www.pepartners.org/Pages/COVID-19>.

### **If an Employee is Placed in Quarantine, Do I Have to Pay Them?**

Generally, no. An employer may send employees home at the discretion of the employer. An employee who is sent home can use sick leave, vacation, or other paid leave to continue to receive compensation during the quarantine period.

An employer may elect to continue paying compensation during a quarantine period, but the employer is under no obligation to do so. When considering whether to provide paid leave to employees who have no leave time saved, the employer should consider the costs associated with hiring and training new workers.

### **Can the Mayor Order a Quarantine?**

No. At the state and local level, the authority to order a quarantine, defined as a state of forced isolation where the movements of people are restricted, comes from Tennessee Code Annotated.

Under T.C.A. § 68-1-201 and T.C.A. § 68-1-204, the Commissioner of Health, appointed by the Governor, has the power to declare quarantine whenever she determines the welfare of the public requires it. The Tennessee Commissioner of Health is Lisa Piercey. The Commissioner has the authority to prescribe rules and regulations deemed proper for the prevention of epidemic diseases in the state. In the event of an emergency or disaster that involves the outbreaks of disease that present a danger of an epidemic, the Commissioner shall make appropriate recommendations to the governor for actions under this title and title 58, chapter 2, to allocate all available health care resources in the affected areas for immediate and long-term health care needs of the affected populations.

Under T.C.A. § 68-2-609, the county health officer is empowered to order the quarantine of any place or person if the county health officer finds that such control is necessary to protect the public health from an epidemic.

Any person who willfully disregards or evades quarantine, or violates any rule or regulation made in attempting to prevent the spread of any epidemic disease, commits a Class B misdemeanor (T.C.A. § 68-1-203).

While the mayor cannot order a quarantine, the mayor may recommend that residents practice self-isolation if they feel ill to help reduce or prevent the transmission of the COVID-19 virus.

### **Where Can I Find More Information on COVID-19 and Local Government?**

MTAS has a landing page on our website where one can find resources for local governments in Tennessee. The page contains sample policies, an informational video, recommendations, and links to other organizations, such as the Tennessee Department of Health, the Centers for Disease Control (CDC), and professional organizations.

Access that page using the link below:

<https://www.mtas.tennessee.edu/knowledgebase/covid-19-coronavirus-resources-local-government-tennessee>



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