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**PRACTICAL AND IMPORTANT GUIDELINES FOR MISSOURI CITIES WHEN DEALING WITH THE CORONAVIRUS (COVID-19) PANDEMIC**

**Holding meetings when members are sick or quarantined**

Missouri requires that elected officials be present to vote (§ 610.015), however, there are two exceptions to this rule:

1. Any member may participate and vote by videoconference (i.e. audio and visual). One popular program is Skype. Free alternatives to Skype include WhatsApp, Viber, Talky, ooVoo, or WeChat. It can be as simple as having a smartphone running during the meeting. If multiple members are absent you may need to use a computer rather than a smartphone.
2. In the event of an emergency, a minority of members may participate and vote by audio-only, so long as a majority is physically present. You should, if at all possible, note on the agenda that is posted on the nature of the emergency. Coronavirus should be an adequate emergency.

If a majority of the members can not (or will not) participate, then you might consider an electronic meeting; this also can be done using Skype or a similar application, or by a conference call. If you decide to have an electronic meeting you would post a notice like any other meeting, but add instructions on how members of the public may participate; this could be by providing a computer monitor or telephone at the city hall for them to listen in or by instructions on how they can dial in too. If you allow them to dial in, be sure that you have the application set up so that they are in listen-only mode, that is to say, only council members get to talk.

**Traveling for work or vacation**

In 2009, the Equal Employment Opportunity Commission (EEOC) prepared a guidance document to address pandemic preparedness in the workplace and the Americans with Disabilities Act (ADA). In summary, employers cannot require medical examinations of employees without symptoms.



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You can ask the traveling employee(s) to monitor their health as well as the website for the Centers for Disease Control (CDC) for updates. If after the trip, the employee(s) feels sick, then they should stay home. This is a fluid situation that could change before or during the time of their trip, so you, as well as the employee(s), should monitor the situation. If the CDC, state, or local public health officials recommend that the employee(s) be quarantined for several days after returning from a trip from a certain location, then, under the ADA, you would need to provide such accommodation.

**Dealing with sick employees**

You will have employees who are sick, perhaps for extended periods. If your city offers sick leave then employees can use that. You may wish to expand the limits of your sick leave to include self-quarantine situations where the employee may not actually be sick. If you do not offer sick leave, or if the employee runs out, then the Family Medical Leave Act may apply to give them up to twelve (12) weeks of unpaid leave. Some employees may be able to work from home if their job allows for that. If an employee is sick or has been asked to self-quarantine, the ASA may require you to allow working from home if that is practical.

For employees whose job requires physical presence, consider implementing policies that will limit the spread of the disease. Personal protective equipment should be mandatory; this would include gloves and may include masks. Employees need to be given instructions on how to properly put on gloves and masks or else they will not be effective. Here is a link for the proper use of gloves:

[https://www.google.com/search?q=how+to+properly+put+on+medical+gloves&rlz=1C1GCEA\\_enUS813US813&oq=how+to+properly+put+on+gloves+and+m&aqs=chrome.1.69i57j0.12701j0j7&sourceid=chrome&ie=UTF-8#kpvalbx=\\_7qBqXpv1GYzGsQXo\\_5C4CA64](https://www.google.com/search?q=how+to+properly+put+on+medical+gloves&rlz=1C1GCEA_enUS813US813&oq=how+to+properly+put+on+gloves+and+m&aqs=chrome.1.69i57j0.12701j0j7&sourceid=chrome&ie=UTF-8#kpvalbx=_7qBqXpv1GYzGsQXo_5C4CA64)

And here are instructions for masks:

<https://www.youtube.com/watch?v=0whUgkCgP0U>

Be sure when requiring protective gear that you are prepared to make reasonable accommodations, such as non-latex gloves.



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**ADA compliance during the pandemic**

On March 11, 2020, COVID 19 was declared a pandemic by the World Health Organization. As such, the EEOC has issued some guidelines as to what employers must do to maintain compliance with the ADA while protecting their workforce. These guidelines apply **only during the current pandemic**.

- You may send employees home if they display influenza-like symptoms.
- If employees call in sick you may ask if they are experiencing influenza-like symptoms, such as fever or chills and a cough or sore throat. HIPAA and other rules still apply so be sure to maintain confidentiality. You may also inquire why an employee has been absent if you think it could have been for medical reasons.
- You may take employees' temperatures to determine whether they have a fever.
- You may inquire if they are returning from a trip, whether they might have been exposed to the virus.
- You may require employees to adopt infection-control practices, such as regular hand washing, at the workplace.
- You must continue to provide reasonable accommodation for disabilities unrelated to the pandemic.

**Quarantine for citizens**

In most cases, the quarantining of residents should be left to state and county health officials. However, state law does allow cities to pass quarantine ordinances. For fourth class cities, look to § 79.380; for third class cities, look to § 77.530.

If a person violates quarantine, then that is an offense for which charges can be brought under § 192.320.

**Declarations of emergency**

In general, the mayors of most cities in Missouri have no independent power to declare a state of emergency. However, the boards and councils of Missouri cities do have fairly broad powers. In third and fourth class cities, boards and councils have the power to enact health and safety ordinances so long as such ordinances are not "repugnant" to the state constitution or state statutes (see § 79.110 for fourth class cities and § 77.260 or § 77.590 for third class cities). It should be noted, as stated above, both classes of cities have the power to impose



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quarantine. It is, therefore, possible for a city of the third or fourth class to declare a state of emergency through its board or council. It then follows that the board or council could also, by ordinance, delegate such authority to the mayor. Of course, such an ordinance would need to be in place before the mayor makes such a declaration.

Declarations of emergency have little effect at the local level, but can be useful in certain circumstances. An ordinance authorizing emergency declarations could provide that in such case certain municipal rules are suspended, other rules are activated (such as snow routes or water rationing), and purchasing rules could be suspended. A local declaration could also be used to trigger the activation of the local emergency management plan. A local declaration of emergency does not, however, affect state or federal law or trigger any additional funding in the way that federal and state declarations do. Much of its effect may be symbolic.

### **Emergency planning**

You may wish to review your emergency response plan. All cities are required to have an emergency action plan (§ 44.080). Your plan is supposed to account for “all hazards,” so it may well have a plan for pandemic already. You should consider whether or not to activate your Emergency Operations Center (EOC), if applicable. While the EOC will likely have no specific actions to take now, it would be good practice and will enable you to begin preparations on an interagency/inter-departmental basis. In particular, you should consider a meeting of the Command Staff Group (usually includes fire, police, and public works, but medical representatives should also be added) and the Policy Group (usually includes the civilian leaders such as council members and county officials). If your operations manual does not include a section on pandemic, the International City/County Management Association has a good template, which we can provide upon request.