



**STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES**

10th Floor, UBS Tower
315 Deaderick Street
NASHVILLE, TENNESSEE 37243

BILL LEE
GOVERNOR

JENNIFER NICHOLS
COMMISSIONER

April 15, 2020

Randy Stamps
TSEA Executive Director
627 Woodland Street
Nashville, TN 37206-4291
Randy.stamps@tseaonline.org

Dear Mr. Stamps,

I write in response to your letter dated April 3, 2020, in which you have requested information regarding our department's guidance for employees during this unprecedented time. The Tennessee Department of Children's Services (DCS) is the state's child welfare agency. We oversee more than 9000 children in foster care and respond to cases of child abuse and neglect. As such, we are considered an essential operation to public safety and welfare. We have a duty to protect Tennessee's most vulnerable children. We remain committed to this mission.

Due to the recent pandemic, we have taken steps to ensure the protection of our employees who are on the front lines during this crisis. We recently received guidance from our federal counterpart, the Children's Bureau of the United States Department of Health and Human Services, that case workers may use video conferencing applications in cases with certain exceptions. Those exceptions include initial response to reports of abuse or when there are any ongoing safety concerns. We believe this guidance allows us to maintain the balance of protecting children while guarding the safety of our employees.

Below you will find our responses to your questions, which will provide more detail regarding the actions taken by our department:

1. Please help me understand how the department is handling non-essential workers if they have not been approved for AWS.

Under the guidance provided by the Tennessee Department of Human Resources, our department has transitioned the overwhelming majority of our employees to the work from home status. Currently, the department has approximately 129 non-essential employees who cannot work from home due to their job duties and others who lack adequate internet access or other technological issues. We have worked diligently to transition staff by providing the

equipment, training, or software needed to allow them to work from their homes. To help protect our employees who are working in the office, we have implemented additional protocols. For example, we have limited the number of individuals that can be physically in the office, and we have also limited in-office visitors. We require all visitors to complete a medical questionnaire before entering the secure office area. These protocols allow for staff who are working in the office to still follow the social distancing recommendations. If an employee cannot be transitioned to AWS, they have the option to use personal leave or adjust their work schedule to part time.

2. We also want to know what is being done to ensure that employees that are required to work have proper protective equipment such as gloves, masks, and hand sanitizer.

At this point, the department has been able to distribute gloves, cleaning supplies, and thermometers to the different regions with guidance for usage. Our initial attempts to purchase protective equipment and more cleaning supplies were frustrated by their lack of availability on the commercial market. Accordingly, we have requested additional protection items and cleaning supplies through the Governor's unified command and TEMA.

3. One of the challenges for your department is some employees are required to make home visits. Please provide any guidance about how these caseworkers have been instructed to stay safe and still perform their job duties.

The department is committed to protecting Tennessee's most vulnerable population, abused and/or neglected children. Due to the recent pandemic, we have had to take certain steps to also ensure the protection of our workers labor on the front lines of this crisis. We recently received guidance from our federal counterpart, the Children's Bureau, that case workers can use video conferencing applications in cases with certain exceptions. Those exceptions include initial response to reports of abuse or anytime there are safety concerns. We believe that this guidance allows us to keep the balance of protecting children and our workers. When a worker needs to conduct a face to face visit, we have provided guidance to employees to contact the home before each visit. Upon contact, each employee will use a health questionnaire developed from guidance provided by the Tennessee Department of Health and the Center for Disease Control that helps them determine when a face-to-face visit can occur. We have posted this guidance on our website so that our employees can access it any time they have a question. We have also created a specific email account for employees to ask any additional questions. The link to the website and email address are listed below.

DCS website link: <https://www.tn.gov/dcs/covid-19.html>

Email for specific cCovid-19 related questions: DCS.COVID-19-Questions@tn.gov

4. It is my understanding that Juvenile Justice employees are being required to transport children without the proper safety equipment mentioned above. We are aware that the supply of some of this equipment is limited but we would also like to have an understanding about the use and availability of mask. I understand the medical needs for masks is urgent but is there an indication if the department believes masks are warranted and if so when they might be broadly available to employees?

The department was able to acquire gloves and masks for our Wilder transportation staff. We have also taken additional steps to sanitize each van after each transport. As noted above, we are currently working with TEMA to gain access to additional protective equipment, including masks, for our employees.

5. On more general matter, some departments are accommodating those at greater risk to the virus by providing a listing of job functions that those high-risk employees can perform. This would include high-risk employees who do not have symptoms and have not been told to quarantine. **We would welcome any recommendations we can share with those higher-risk employees.**

Staff in higher risk categories have been provided the option of an ADA accommodation. As you are aware, it is not possible in all cases to approve accommodations and each one is evaluated on a case-by-case basis. We have a significant number of staff who have chosen this option and have a fully approved or limited accommodation.

As always, please feel free to reach out to me if you have any further questions. Thank you and your organization for your partnership as we navigate these challenging times.

Sincerely,



Jennifer Nichols
Commissioner

cc: Terry Carroll, Employee Compensation and Benefits Representative
LaTanya McAdoo, Deputy Executive Director