

CITY OF COOPER CITY
HUMAN RESOURCES DEPARTMENT



EMERGENCY CLOSING POLICY
POLICY #01-016

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This operating procedure shall replace the Personnel Rules and Regulations and Policies enacted prior to the effective date of this operating procedure.

Revision	Date	Description of Change
1		Initial Release

APPROVALS

Human Resources Director

Date

City Commission

Date



City of Cooper City City Policies and Procedures

SUBJECT	Emergency Conditions Policy
POLICY #	01-016
City Commission Approval	

PURPOSE:

This policy should be read in conjunction with applicable Local, State, and Federal regulations. Such provisions include Cooper City Code of Ordinances Chapter 13 – Public Safety, Article V – Emergency Management.

This policy is intended to comply with any and all Local, State, and Federal regulations which are applicable to emergency closings, emergency pay, and disaster relief. Such regulations include, but are not limited to: the Disaster Mitigation Act of 2000; the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act); the Code of Federal Regulations, Stafford Act Title 44, Chapter 1, Part 201 (44 CFR Part 201); and any and all other FEMA regulations in effect at the time of the emergency. If a provision of this policy conflicts with a Federal regulation, the Federal regulation should be followed.

As a local government, the City of Cooper City must provide essential services even during periods of inclement weather or other emergency conditions. The City is committed to maintaining full service levels to the extent possible while addressing the safety for City employees.

For this Policy:

- **“Inclement Weather”** conditions will include cold weather (snow, ice, etc) and warmer weather (hurricane, tropical storms, tornado, etc.) events.
- **“Other emergency”** conditions include, but are not limited to, unexpected events such as fire; equipment failure; disruption of power or other critical utility support system; contamination by hazardous agents; pandemics; public health emergencies; public emergencies; City-declared emergencies, State-declared emergencies, and Federally-declared emergencies; civil unrest; acts of war; and terrorist acts.
- **Incident Command System (ICS)**: A FEMA standardized approach to emergency condition incident management that integrates facilities, equipment, personnel, procedures, and communications within a common organizational structure.

This Cooper City Emergency Conditions Policy is intended to serve as an ICS. As such, during an emergency condition, all employees must document their work activity on a FEMA ICS Activity Log, Form ICS 214.

Announcement and Notifications:

When conditions warrant, the City Manager will determine and announce all decisions to close, delay, or cancel activities of the City. If inclement weather or emergency conditions develop during a scheduled working day, employees will be notified of closings through normal supervisory channels. When the City's schedule is altered after normal working hours, operational status will be available through news media outlets, the City's main telephone number, the City website, and/or through the employee's supervisor.

Employees are always encouraged to communicate with their Department Head and/or Supervisor if they have any questions about inclement weather and other emergency conditions or whether the employee must report to work.

Employee Status:

Some City operations require employees to report for work in order to provide essential and emergency services during periods of inclement weather or other emergency conditions. For purposes of this Policy, employees will be categorized into one of the following groups:

- **Essential Employees** - Employees whose nature of work/job duties and responsibilities are required for the essential operations of the City during emergency conditions. Essential employees will be required to report for work per their regular schedule or may be called in to work on an unscheduled work day in spite of an official closing, delay, or cancellation. Essential employees who are required to remain at work during hazardous times may be relieved of duties for the period of time necessary to assure the safety of their families.
- **Non-Essential Employees** - Employees whose nature of work/job duties and responsibilities are not generally required for the essential operations of the City during emergency conditions. Non-essential employees are excused from working during an official closing, delay, or cancellation **unless** they are notified by their Department Head or Supervisor that they must report for work (either in person or remotely) to support the necessary operations of City government in spite of a closing, delay, or cancellation. Such determinations and notifications are made on a situation- specific basis and will not necessarily result in a permanent change to the non-essential employee designation for the position or require a change to the position description.

The Human Resources Department will ensure that the designations of "essential" or "non- essential" are made part of each position description and will make sure that new employees are advised of these requirements as part of new employee orientation. The Human Resources Director and Department Head, with the approval of the City Manager, will designate a position as "essential" or "non-essential" based on the duties and responsibilities of the position.

Reporting for Work:

This policy should be read in conjunction with the applicable Local, State, and Federal regulations in effect at the time of the emergency conditions. If a provision of this policy conflicts with a Federal regulation, the Federal regulation should be followed.

Once the City Manager has announced an emergency closing, delay, or cancellation of City services, the designation of the position of the employee as essential or non-essential will determine the status of the employee to work or be relieved of duties. The following will apply when City offices are closed or operations/services are limited due to inclement weather or emergency conditions.

- Employees designated as non-essential will be relieved of duties once the City Manager has determined to close, delay, or cancel City operations/services.
 - ❖ Employees must set their auto-response email messages to indicate the City's closure.
 - ❖ Employees must take home all personal items they may need while away from the office. Access to City Hall is not guaranteed.
 - ❖ If time allows, employees should promptly wrap up any urgent, time-sensitive matters.
 - ❖ If time allows, employees should organize their work area or department, throw out all trash, and secure confidential or critical City property.
- In some cases, non-essential employees may have cause (i.e., travel, family) to leave work early, not report to work, or arrive late due to inclement weather or emergency conditions. Conversely, in some cases, non-essential employees may have cause to work during hours after the City Manager has closed, delayed, or canceled City offices or services. In these cases, the employee's Department Head or Supervisor will be responsible for assessing the reason for the request and determining whether to approve or deny the request. Careful attention will be taken to maintain the safety of the employee.
 - ❖ The Department Head or Supervisor will promptly notify the Risk Manager and City Manager of the employees' need to continue working at City Hall. The City Manager or the City Manager's designee will determine whether the non-essential employee may continue working at City Hall after the City Manager has closed, delayed, or canceled City offices or services.
- In some cases, department necessity may require that non-essential employees report to or remain at work during a particular emergency. Department Heads will establish a procedure for notifying these employees individually. Every employee will be required to work when their Department Head directs them to do so unless the Department Head and the employee mutually agree that it is in the employee's best interest not to do so.
- Essential employees should not expect approval of leave day requests (personal or vacation) during inclement or other emergency conditions or events. Personal leave day requests made and approved before the inclement weather or other emergency event should be discussed between the employee and the Department Head or Supervisor to determine whether the circumstances surrounding the inclement weather or emergency event have impacted the previously approved request. The City reserves the right to cancel previously-approved leave requests during emergency conditions.

Compensation for Work:

Employees are compensated during emergency conditions pursuant to Section 13-56 of the City's Code of Ordinances; Chapter 252, Florida Statutes; and any applicable Federal regulations.

At the City Manager's discretion, payroll may be run early if an emergency condition is declared within 7 days of the normal payroll date. The City Manager will designate the point of contact for the early payroll run. Each Department must identify a designated employee to work with Payroll to record time and process the early payroll for all employees in the Department.

- Non-essential employees:
 - ❖ Compensation for non-essential employees will be paid for those hours worked before and after the event that caused the City Manager to close, delay, or cancel City offices or services. If

City offices or services remain closed for a standard business work day or more, the City Manager will have the authority to grant up to five (5) working days off with pay for inclement weather/emergency closing per employee per emergency event.

- Essential employees:
 - ❖ Compensation for essential employees who must come to work to maintain the safety and well-being of the City and its citizens will be compensated based on the following:
 - Non-exempt employees will receive their base pay rate for all hours worked. Fair Labor Standards Act (FLSA) overtime rules apply. All hours worked over the employee's regular schedule will be compensated at 1½ hours for each overtime hour (>40 in the 7-day week).
 - In addition, for each day the City is closed due to inclement weather or other emergencies, non-exempt employees will be paid Emergency pay. Emergency Pay will be calculated as the employee's hourly rate x 8 hours daily. An employee may receive a maximum of twenty-four (24) hours (3 days) of Emergency Pay per fiscal year. "Hours" are used as a unit of measurement to calculate the amount of Emergency Pay, as it does not constitute hours worked. Therefore, the Emergency Pay "hours" cannot be included when calculating overtime pay.
 - Exempt employees will receive their base rate pay for all hours worked not to exceed forty (40) hours. Exempt employees who have worked more than forty (40) hours will receive eight (8) hours of inclement weather/emergency closing per day, not to exceed twenty-four (24) hours per fiscal year. In addition, if a State of Emergency declaration is proclaimed for the City, all exempt employees will be compensated for any time worked more than forty (40) hours in a standard seven-day work week at 1½ times the regular hourly rate.
 - Please note: The City voluntarily provides emergency compensation for exempt employees. Exempt employees are not legally entitled to overtime compensation according to the applicable law. However, the City offers additional compensation to exempt employees for emergency hours worked. Such emergency pay does not nullify the employee's exempt status nor establish a right or entitlement to continued emergency pay for exempt employees.

Accounting For Time Not Worked:

All employees must account for any work time lost due to inclement weather or emergency closings. This is true if City offices close, an employee leaves work early, or does not report to work. Employees are expected to use their best judgment if inclement weather creates extreme travel hazards for commuting to and from the workplace. They should not endanger themselves nor ignore the statements of local officials about traveling during inclement weather. Employees must notify their Department Head or Supervisor if they cannot report or remain at work when City offices operate under a regular work schedule. Failure to do so may result in disciplinary action. However, when conditions cause an employee to arrive late to work, and notification is not made to the department head or supervisor, he/she may determine that conditions justified the late arrival. In such cases, no disciplinary action will be taken.

To cover absences during inclement weather or other emergency conditions, employees may elect:

- Use of vacation leave;
- Use of compensatory leave;
- Take leave without pay.

If an employee does not have available leave time to use and leaves without pay, it would cause the employee an undue financial burden. The department head may consider advancing vacation leave with approval from the City Manager. Conversely, if an employee prefers not to use leave time and is not affected by non-payment of the lost time, leave without pay may be used without adverse disciplinary consequences.

Due to inclement weather or an emergency closing, the departmental needs may be such that the Department Head may allow or require an employee(s) to work, either in-person or remotely, during the closing period or work additional hours to make up for the time not worked. This decision will be solely based on the Department Head's discretion, keeping in mind that make-up work may be used to offset the time not worked and may result in an overtime situation. All hours worked will be paid by FLSA.

Exempt employees not required to work during the emergency will account for their absences in the same manner as non-exempt employees. However, if the exempt employee works additional hours to make up for the time not worked and causes the exempt employee to work more than forty (40) hours in a workweek, the employee may be granted compensatory leave in the future by their Department Head where the convenience of the department allows.

Employees on pre-approved vacation or sick leave will be charged leave to the appropriate account, with no provision for make-up time.