



City of Homer

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Human Resources

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MEMORANDUM 20-043

TO: City Council
THRU: Katie Koester, City Manager
FROM: Andrea Browning, HR Director
DATE: March 17, 2020
RE: Personnel Regulation Revisions

The Personnel Regs are periodically reviewed in order to determine if revision and/or clarifications are necessary. However, due to the COVID-19 pandemic and Federal Emergency Declaration, some immediate changes are necessary. These changes provide the City of Homer the best chance of eligibility for federal reimbursement funds available through the Federal Emergency Management Agency (FEMA).

Suggestions were compiled by HR Director Browning and Chief Kirko, after consulting with Chief Robert Purcell and Finance Director Walton on FEMA guideline for tracking and reimbursement. Consideration is given to best practices and fiscal impacts. The City Manager recommends the following revisions.

Recommended Revision #1

The current Personnel Regulations do not have a section that deals directly with a Disaster or Emergency Declaration, much less a National Pandemic such as COVID-19. The FEMA guidelines recommend having this in order to be able to submit for reimbursement of lost wages, wages paid to employees who are unable to work due to an emergency or disaster, overtime related to incident, etc. Additionally, this provision allows the City Manager to review employees' situations on a case by case basis and best determine how that employee can, if possible, work remotely and assist with the continuation of services. The City would like to ensure that we can follow the CDC guidelines and DHS recommendations for quarantining employees upon returning from travel or upon showing symptoms/ being tested for COVID-19, as well as pay these affected employees. The City only had six employees (five full-time and one part-time) out-of-state/ country as of 03/14/20. Of those five full-time employees, three can work remotely from home for 14-days upon return. This remote work allows the continuation of work, while still protecting our workforce's health and safety.

Chapter 1

Add:

1.8 Emergency or Disaster Declaration. In the event that an Emergency or Disaster Declaration is declared by the City of Homer, the City Manager can direct city employees to follow the Centers for Disease Control and Prevention (CDC), the Alaska Department of Health and Social Services (DHS), or other Federal/ State guidelines to assure the health and safety of City of Homer employees and volunteers. In the event that these guidelines recommend quarantine or other safety measures that require an employee to be out of the office or unable to perform their duties, the City Manager has the authority to authorize payment of regular wages on a case by case basis. If the employee is eligible for Workers' Compensation, those hours will be paid in accordance with standard policy. If the City Manager determines that the affected employee can work remotely, either in their current job classification or by being temporarily placed in another, the employee can be required to work remotely. If City shuts down all non-essential City services, the City Manager can direct Department Heads to send staff home, and when possible for employees to work remotely. Employees can work in their current job classification or by being temporarily placed in another. The employee can be required to work remotely in support of essential City services, or other duties as assigned.

Recommended Revision #2

The current regulations allow a Department Director to hire additional emergency staff, with City Manager approval, to meet the emergency. However, this is limited to 30 days. With the current COVID-19 pandemic, additional Police or EMS staff could be needed to ensure continuation of emergency services. For example, if a Fire Dept. employee tested positive for COVID-19 and other members of department had to be quarantined and placed under observation.

Chapter 3

Current Personnel Regs read:

3.9 Emergency Appointments. In an emergency that threatens life or property, the Department Director with City Manager approval may, without complying with the provisions of the Personnel Regulations concerning appointments, employ, for not more than thirty (30) calendar days, such persons as are necessary to meet the emergency.

Change: *Modify to allow additional personnel in the event of an Emergency/ Disaster Declaration.*

Amended 3.9 will read:

3.9 Emergency Appointments. In an emergency that threatens life or property, the Department Director with City Manager approval may, without complying with the provisions of the Personnel Regulations concerning appointments, employ, for not more than thirty (30) calendar days, such persons as are necessary to meet the emergency. In the event of an Emergency/ Disaster Declaration, the Department Director with City Manager approval may hire persons as are necessary to meet the emergency with no limit of 30 days.

Recommended Revision #3

Expand allowance for Exempt employees to work overtime for work directly relating to an Emergency/ Disaster incident that involves life safety. The City has a precedent of allowing exempt employees to work overtime in disaster situations, if hours are directly related to the disaster (such as the Exxon Valdez oil spill in 1989). The Fair Labor Standards Act (FLSA) does allow employers to pay exempt employees overtime without jeopardizing their exempt status. In order for the City to submit for reimbursement of these labor costs tied to the Emergency Declaration, the City must pay these hours. The FEMA guidelines recommend having this in order to be able to submit for reimbursement of overtime hours.

Chapter 5

Current Personnel Regs read:

5.9.3 Exempt Employees. Exempt employees are not eligible to receive overtime pay unless overtime hours worked are to fill in for an absent non-exempt subordinate and approved in advance by the Department Director or City Manager. Employees should check their job description to determine whether their positions are considered exempt from overtime payment.

Change: *Modify to allow Exempt employees to work overtime hours directly related to an event that triggers an Emergency or Disaster Declaration.*

Amended 5.9.3 will read:

5.9.3 Exempt Employees. Exempt employees are eligible to receive overtime pay if an event occurs that triggers the City of Homer to make an Emergency or Disaster Declaration. Additionally, an exempt employee can work overtime if the hours worked are to fill in for an absent non-exempt subordinate and approved in advance by the Department Director or City Manager.