

## CHAPTER 6: WORK ENVIRONMENT AND WORKPLACE SAFETY

### 6.11 Emergency Disaster Policy

#### 6.11.1 Purpose

Protecting the health and safety of everyone in our community is a key priority during a City Declared Disaster. The Mayor may at any appropriate time declare a City Declared Disaster based on a natural disaster or involving public health. The citizens of Port Lavaca depend on City employees before, during, and after a City Declared Disaster to provide and/or restore essential public services for the health, safety, and quality of life of our community. This policy applies to all non-exempt and exempt employees and is intended to clarify the procedures during a City Declared Disaster and clarify the compensation policy for employees during a City Declared Disaster. No one will be excused from work until the City Manager authorizes employees to be relieved of their duties.

#### 6.11.2 Definitions

**Disaster:** The occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency.

**City Declared Disaster:** A Local State of Disaster which is declared by the Mayor for the City of Port Lavaca. The Mayor is authorized by the Texas Disaster Act to declare a Local State of Disaster when warranted conditions exist or when there is an imminent threat. A declaration of local disaster may not be continued or renewed for a period of more than seven (7) days except with the consent of a majority vote of the City Council. *Ref Texas Government Code Section 418.108*

**Municipal Emergency:** Any situation that may threaten the safety and/or health of City employees, their families and the public and/or threaten the continuation of normal City functions, capabilities or services. The City Manager is authorized to declare a State of Municipal Emergency and may designate the closing of some or all City facilities during a Municipal Emergency.

**Weather Emergency:** The occurrence or imminent threat of a severe weather event such as snow, ice, prolonged freezing conditions, severe thunderstorms or other extreme weather events that may threaten the safety of City employees, their families and the public and/or threaten the continuation of normal City functions, capabilities or services. The City Manager is authorized to declare a State of Weather Emergency due to weather conditions and may designate the closing of some or all City facilities during a Weather Emergency.

### ***6.11.3 City Facilities***

If City facilities are not closed and if weather or other emergency conditions make it impossible or unsafe for an employee to report to work, the employee must notify his or her supervisor as soon as possible that the employee finds it impossible to report to duty safely. Time absent may be charged to available vacation, compensatory time, or leave without pay.

In the case of a Weather Emergency, Disaster or other Municipal Emergency on a workday, the City Manager is authorized to designate the closing of some or all City facilities. The City Manager or designee is responsible for initiating the process of contacting employees. If City facilities are closed, City personnel who are not required to work that day will be paid for the actual time or day(s) that the City was officially closed.

- If an official City facility closes for a Weather Emergency, Disaster or other Municipal Emergency during an employee's scheduled vacation or personal day, that day will not count against the employee's vacation or personal leave balance.
- If an employee reports to work and the City Manager or Department Head sends the employee home because of a Weather Emergency, Disaster or other Municipal Emergency, the employee will be given credit for a full workday as emergency disaster leave.

### ***6.11.4 Responsibilities***

In a City Declared Disaster or Emergency, City employees will be required to fulfill their individual responsibilities and function as a team to protect the City's vital assets and maintain and restore essential City services.

#### **Department heads will be responsible for:**

- 1) Providing training to all employees in their department regarding emergency operation procedures, with refresher training provided in May of each year.

2) Ensuring that employees are aware of their individual responsibilities under this policy, and that only under special circumstances will employees be allowed to be exempt from these responsibilities.

3) Assessing all approved vacation leave requests and advising employees of their responsibilities and when they need to return to work.

4) Allowing employees to secure their homes and families to prepare them to seek shelter or to evacuate when approved by the Director, or designee.

5) Ensuring that their departments are briefed on emergency procedures each year, including both the City's responsibilities to the community and the employee's responsibilities under the policies.

**Employees will be responsible for:**

1) Ensuring the safety and security of their families.

2) Ensuring that their contact information is current and up to date so that the employee can be contacted when away from work.

3) Contacting their supervisor immediately upon knowledge of a City Declared Disaster, understanding that any preapproved leave may be subjected to postponement or cancellation.

**The Human Resources Department will be responsible for:**

1) Providing Department Heads with current emergency information for all employees to verify.

2) Providing resource options to employees who may need assistance with shelter, laundry, or other special needs.

3) Providing emergency shelter during the City Declared Disaster for employees that remain in the City during the event(s). The Director of Human Resources will communicate this information to Department Heads with the location of the emergency shelters, by May 31<sup>st</sup> of each year.

***6.11.5 Emergency Periods***

The City Manager may require employees to work during a Declared Disaster or Emergency regardless of whether City facilities are open or closed and regardless of the extent or duration of the Emergency. Employees may be required to provide services to protect the public's health and safety and to assure the continuation of, or recovery of, normal City business processes.

There are four (4) defined periods associated with an emergency or natural disaster: pre-impact, emergency, exigency period, and post-impact/recovery.

- 1) **Pre-impact Period** – This is the time period prior to the impending disaster and includes emergency response activities and preventative measures by the City of Port Lavaca departments in preparing for the impending emergency. This period begins and ends as determined by the City Manager.
- 2) **Emergency Period** – This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, **and most other regular City services are suspended**. There may be more than one Emergency Period during a City Declared Disaster Declaration. These period(s) begin and end as determined by the City Manager.
- 3) **Exigency Period** – This is the time period during which emergency response activities are in progress, but when many **of the City’s services are able to be maintained on a limited basis**. This period begins and ends as determined by the City Manager. There may be more than one Exigency Period during a City Declared Disaster Declaration. These period(s) begin and end as determined by the City Manager.
- 4) **Post/Recovery Period** – This is the time period immediately following the emergency or disaster, during which the City Manager determines if it is safe for all employees to return to work. Activities are conducted to restore the City’s infrastructure and services to pre-disaster conditions. During this period, some employees may be required to return to work to assist with the restoration of critical services, conduct emergency clearance of roadways, provide damage assessment, etc. This period is determined by the City Manager, in consultation with Department Heads.

Employees must return to work as directed by their Department Heads.

The City of Port Lavaca recognizes that employees have personal and family responsibilities that are important and may conflict with the obligation to fulfill their job requirements during hazardous weather or a state or local emergency. When evacuation of personal residences is required, every effort will be made to allow employees to make arrangements for their families like any other citizen, including the use of authorized shelters.

Employees who are not able to return to work due to emergency conditions must contact their supervisor as soon as possible.

An employee who refuses a directive from the City Manager or a Department Head to report to work for all or part of an emergency period is subject to discipline by the City, up to and including termination.

### *6.11.6 Compensation During a State of Emergency*

In the event of a declaration of a State of Emergency during a Weather Emergency, Disaster or other Municipal Emergency, the City Manager may implement the provisions of the emergency disaster pay policy. During this time the City Manager may also suspend the use of accrued leave, City-approved holiday(s), and Scheduled Vacation leave ( Defined in Chapter 4: Leave of Absence City of Port Lavaca HR and Workplace Policies, October 8, 2018), to ensure appropriate personnel is available to maintain operations. The suspension of leave may not interfere with the use of leave for purposes of family medical leave, bereavement, or other such leave, including any other leave provided by State or Federal law.

Employees relieved from duties during a State of Emergency or City Declared Disaster shall be paid as follows:

- Full-time employees shall be paid their regular pay based on a 40-hour week.
- Part-time employees shall be paid their hourly rate times the average hours worked in the preceding two (2) week period.
- These hours shall not be counted as time worked to compute overtime for non-exempt employees.
- Emergency disaster leave will start when the employee is relieved from duties by their Department Director and will continue until the City Manager determines it is safe and prudent for some or all employees to return to work. If an employee fails to show up for work or cannot show up for other reasons, then the time lost will be away without pay, unless other paid leave is approved.

During the emergency periods as defined in Section 6.11.5, employees authorized to perform work for the benefit of the City may be assigned to perform work that is outside their normal assigned tasks. During these periods employees will be compensated for any hours worked, in addition to any eligible overtime. Non-exempt employees authorized to work, during an emergency period or exigency period defined in Section 6.11.5, will be compensated at a rate of one and a half times (1.5x) their base hourly rate for all hours worked during these designated periods, excluding time for sleep **when required to reside in the City Emergency Operations Center or designated location**, which will be paid at employees base hourly rate.

Exempt employees authorized to work, during an emergency period or exigency period defined in Section 6.11.5, will be compensated at employees calculated hourly rate from their annual salary for each authorized hour of mandatory residency in the City Emergency Operations Center or designated location.

All employees (non-exempt and exempt) who are able to work remotely during regular business hours during a Declared Disaster or Emergency shall do so, subject to instructions from their supervisor and the Employee's Responsibilities as outlined in Section 6.11.4. Such remote work shall be paid at the employee's normal rate of pay.

#### ***6.11.7 Disaster Deployment Compensation***

City personnel may be requested, under existing agreements (e.g. mutual aid agreement/memorandums of understanding, etc.), to deploy to assist outside agencies in responding to disaster or emergency. The City Manager's (or designee's) oral or written authorization is required for any personnel deployment lasting longer than twenty-four (24) hours. Such City personnel shall be compensated at a rate of one and a half time (1.5x) their base hourly rate for all hours worked during a deployment.

#### ***6.11.8 Employee Groups***

Department Directors shall designate emergency essential and non-emergency essential personnel within their departments relating to a State of Emergency Declaration. All personnel shall be advised of their status upon hire, as well as of May 1st of each year. An individual employee's status may change, as the needs of the City changes, or at the discretion of the Department Director.

- Level I Personnel: Each Department Director and/or supervisor is responsible for identifying those employees who will be required to remain or respond in the event of emergency conditions and those employees will be designated as Level I Personnel. Level I employees will be required to be available immediately before, during and after the emergency conditions to perform duties directly related to emergency conditions as determined by the City Manager.
- Level II Personnel: Each Department Director and/or supervisor is responsible for identifying employees who are considered Level II Personnel. Level II employees may be required to perform duties during the Pre-Impact and Post/Recovery Emergency Periods A defined in 6.11.5.
- Level III Personnel: The remaining employees that are not classified in one of the above categories will be classified as Level III Personnel. Level III employees will be released prior to an emergency. Because it is the City's responsibility and obligation to ensure that infrastructure and critical services are repaired, restored, tested and/or inspected prior to their return to service, Level III employees are required to remain available for recall to duty at any time.