
CITY OF PORT LAVACA

CITY COUNCIL MEETING: AUGUST 12, 2024

AGENDA ITEM _____

DATE: 08/6/2024

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: BRITTNEY HOGAN, INTERIM FINANCE DIRECTOR



SUBJECT: HR POLICIES: HOLIDAY LEAVE, TIMEKEEPING POLICY, EMERGENCY POLICY

Topic: Holiday Leave

After close consideration of all current city holidays, staff is proposing to change the Birthday Holiday to a Floating Holiday that is eligible to use within the calendar year rather than “within 60 days” as it is currently stated. This will provide the employees with more flexibility in scheduling since it will extend to the full calendar year and be an added benefit by giving them a choice on what day they decide to schedule.

Topic: Timekeeping Policy

In FY2024 the City of Port Lavaca started implementing an automated timekeeping system called Timeclock Plus which is used to automate the time and attendance of the employees. This system is beneficial in the efficiency and effectiveness of the payroll process. The recommended timekeeping policy will outline information pertaining to the recording and tracking of hours worked, and the responsibilities of the employee and supervisor.

With this new system we can keep better records of time worked, accruals, and essentially cut the payroll process time in half by eliminating manual timesheets. Other features of this system include the ability to set Geofences, create specific automated rules according to FLSA laws and regulations, and the ability to track specific job codes (Training, Festival, Emergency, Etc.).

Topic: Emergency Policy

We are proposing an emergency policy which outlines the procedures during a city declared disaster. The procedures reflected in this policy will include definitions of the types of emergencies, the responsibilities of city employees during an emergency, and specific compensation based on various scenarios.

As of now the “Hurricane Compensation Policy” that we adopted on September 20, 2020 is not adequate according to FEMA standards. After attending the TDEM T-600 (Texas Disaster Accounting 101) training in March the City was given specific criteria on how FEMA determines eligibility of reimbursement based off the entity’s policies already in place. Our current policy includes language making compensation subject to federal funding or disaster declaration, which is not permissible for an emergency policy. The purpose of this proposed policy is to be non-discretionary and applied uniformly to all employees.

Recommendation:

Staff recommends approval of amendments to the HR Workplace & Policies.

CHAPTER 4: LEAVES OF ABSENCE

4.03 Holiday Leave

The City officially declares and designates the following holidays to be observed with pay by all City employees occupying regular full-time positions and subject to the provisions and limitations hereinafter set forth:

New Years Day	January 1
Good Friday	Friday before Easter
Memorial Day	4th Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veterans Day	November 11
Thanksgiving (2 days)	4th Thursday and Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Floating Holiday Birthday	(Within 60 days) Within Calendar Year

Holiday pay will be calculated upon the basis of eight (8) hours per day at the employee's base rate of pay, and twelve (12) hours per day for Shift Police Officers and Fire Personnel. Full time Police Department officers and Fire Department personnel who work scheduled shifts on a day recognized by the City as an official holiday will receive twelve (12) hours holiday pay, in addition to their regular salary for actual hours worked. This policy will apply to regular employees, regardless of how their pay is computed. Temporary employees are not eligible for holiday pay.

Should a holiday fall on Saturday or Sunday, the preceding or following working day will be observed.

City of Port Lavaca employees will be granted one floating birthday holiday per calendar year. If not taken during the year, the floating birthday holiday will not be carried over, nor will it be paid at the time of separation.

CHAPTER 5: COMPENSATION

5.11 Timekeeping Policy

All non-exempt employees are required to record their exact hours of work by clocking in and clocking out on the time-clock system. After the employee completes their timesheet for the work period, they should check it carefully to ensure it is accurate. Then the employee will approve their time if the total hours shown are correct and accurate to their understanding. If the employee feels the hours recorded are incorrect, then they should not approve their time until it has been corrected by their supervisor. Employees shall never approve anyone else's time and never allow anyone else to approve theirs, other than their supervisor. Likewise, employees shall never clock in for anyone else and never allow anyone else to clock in for them, other than their supervisor. Any of these occurrences are grounds for disciplinary action, up to and including dismissal. All time must be approved by both the employee and his or her supervisor before being processed by payroll. In the event the employee and supervisor do not agree they shall meet with HR to resolve any issues.

All exempt employees must clock in at the start of any day worked and clock out at the end of the day worked. Deductions from pay are allowed according to the Fair Labor Standards Act:

- When an employee is absent from work for one or more full days for personal reasons other than sickness or disability.
- For absences of one or more full days due to sickness or disability if the deduction is made in accordance with the Cities sick leave policy.
- In the employee's initial or terminal week of employment if the employee does not work the full week.
- For unpaid leave taken by the employee under the Federal Family and Medical Leave Act.

The documentation of time worked for exempt employees aids in the tracking of employee leave and provides written documentation needed for the Annual Comprehensive Financial Report.

It is imperative that all employees verify their time to help avoid subsequent corrections. The supervisor or Department Head is responsible for verifying that the employee's submitted hours are in compliance with the overtime and compensatory time guidelines. If there are any corrections to be made, they will be taken care of during the following pay period. Finance will download all hours worked no later than the Monday before payroll by 10 AM.

CHAPTER 6: WORK ENVIRONMENT AND WORKPLACE SAFETY

6.11 Emergency 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 31st 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 straight time hourly pay.
- 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. 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 including time for sleep during these designated periods when required to reside in the City Emergency Operations Center or designated location.

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 of one and a half times (1.5x) from their annual salary for each authorized hour worked including time for sleep during these designated periods when required to reside 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.