

413 - EMERGENCY OPERATIONS PERSONNEL AND PAY PROCEDURES

Section 413.01 Scope	This policy applies to all employees of Fort Bend County. In the event of an emergency, Department Heads and Elected Officials may be called upon to provide personnel to assist in the Emergency Operations Center (EOC), or otherwise participate in the Emergency Operations Plan (EOP).
Section 413.02 Purpose	The citizens of Fort Bend County depend on County employees to work before, during and in the aftermath of a disaster to assist in the preservation and restoration of essential public services required for the health, safety and quality of life within the County.
Section 413.03 Policy	This policy will be in effect at such time as the County Judge or his/her designee, in accordance with the Emergency Operations Plan, declares that a “State of Emergency” exists warranting either preparation for, or response to, a potential emergency condition.
Section 413.04 Glossary	<p>The following are definitions specific to this policy:</p> <p>Disaster: The occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property that results from a 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, or other public calamity requiring emergency action, or an energy emergency.</p> <p>Emergency Closure: In the event of a declared emergency, the County Judge or his/her designee may make the decision to close some or all County offices or departments for any duration.</p> <p>Emergency Closure Pay: Compensation provided to employees who are unable to report for work due to an emergency closure.</p> <p>Emergency Condition: An event, expected or unexpected, that places life, property, or the environment, in danger; that requires response beyond routine incident response resources.</p> <p>Emergency Deferred Time: Compensation in the form of accrued time that can be earned by employees and used at a later date for paid time off.</p> <p>Emergency Evacuation Order: An official statement issued by the Governor of Texas and/or the County Judge of Fort Bend County, or their designee, for an area stricken or threatened with a disaster.</p> <p>Emergency Operations Center (EOC): The physical location where an organization comes together during an emergency to coordinate</p>

resources, response and recovery actions, and make management decisions. Fort Bend County's EOC is located at:

Office of Emergency Management
307 Fort Street
Richmond, TX 77469
(281)342-6185

Emergency Operations Plan (EOP): A pre-determined plan which is activated during an emergency period to control and coordinate efforts to protect life and property, care for the people affected, and temporarily restore essential community services.

Essential and Non-Essential Employees: See Section 413.05 for definition.

**Section 413.05
Designation and
Definition of
Classification of
Employees**

Department Heads are responsible for appointing individual classifications to each employee. Every County employee will have one of the following classifications: Essential or Non-Essential.

Essential: Employees whose presence is essential in implementing all or portions of the emergency plan. In accordance with the Labor Code, Section §22.001 (3), this would include Emergency Services Personnel such as fire fighters, police officers and other peace officers, and emergency medical technicians, as well as other individuals who are required, in the course and scope of their employment, to provide services for the benefit of the general public during emergency situations. Essential employees will be designated to remain in the County on the job or at a designated location during an emergency and are subject to being utilized as needed.

Non-Essential: Employees whose presence is not essential in implementing all or portions of the emergency plan, but who cannot leave their positions until released by their supervisor, and must return to work as usual. Non-Essential employees are responsible for the following activities:

1. Must call the Emergency Operations Center or a designated hotline for return to duty information;
2. Must remain in contact with their supervisor regarding assignments and return to duty information;
3. Must stay abreast of the emergency situation by monitoring radio/television/internet for instructions.

Essential and non-essential personnel who fail to comply with the requirements of this policy may be subject to discipline, up to and including termination of employment.

**Section 413.06
Emergency
Operation/Staffing**

Any County employee may be deemed essential in order to provide for the safety and wellbeing of the general public or for the restoration of vital services before, during and after an emergency.

It is the essential employee's responsibility to pre-plan the safeguarding and/or relocation of his/her family before the employee is required to report for duty. Fort Bend County may provide adequate emergency shelter for essential employees if deemed necessary. In certain situations, emergency shelter may be provided for essential employees' dependents as well.

**Section 413.07
Requirement to
Remain Available
for Duty**

If the County Judge or designee orders the emergency closure of some or all County offices or departments, non-essential employees may be excused from work. Some or all essential employees may be required to work for reasons of County safety and security or to provide other essential public services.

Essential employees are required to be available for duty for the duration of an emergency event, unless specifically relieved of such obligation by the Department Head or Elected Official. This is true even if an Emergency Evacuation Order is issued in Fort Bend County or surrounding areas.

Employees who are not designated as Essential cannot be disciplined for participating in an Emergency Evacuation Order. However, non-essential employees must remain in contact with their supervisor regarding assignments and return to duty information, or call the Emergency Operations Center or designated hotline for return to duty information. Failure to return to duty at the specified time may result in disciplinary action up to and including termination.

**Section 413.08
Emergency Closure
Pay**

Essential and non-essential full-time employees who are not required to report to work on an otherwise regularly scheduled workday due to an emergency closure may receive emergency closure pay for regularly scheduled hours at their regular rate of pay, not to exceed 40 hours per workweek. Employees who abide by the provisions of this policy may receive emergency closure pay for no more than ten working days while their department or office is closed. If the closure extends beyond ten work days, employees will be required to utilize accrued vacation, compensatory and deferred leave. Commissioners Court may also authorize the use of sick leave for absences due to an extended emergency closure.

If an employee exhausts all accrued leave, any remaining leave will be without pay. Extended periods of unpaid leave may have implications on the payment of medical and dental premiums. Please refer to Section 414.20 through 414.23 of this manual for further information.

Essential employees who have scheduled, or are on vacation or a non-FMLA leave of absence when an emergency occurs, may be called to

duty if necessary.

If not called to duty, essential and non-essential full-time employees who remain on vacation or leave during an emergency will be required to use accrued leave and will not be granted Emergency Closure Pay. Depending on the circumstances, a supervisor may approve Emergency Closure Pay if the conditions of the emergency were such that the employee was not able to use the time off as originally planned. Employees and supervisors should consult with Human Resources or the Payroll Office with questions.

**Section 413.09
Pay Provisions for
Work During an
Emergency Closure
or Inclement
Weather Closure**

Essential and non-essential full-time employees who are **authorized and required** to work during an emergency closure will be compensated as follows: **Non-Exempt Employees:** Full-time non-exempt employees who are authorized and required to work during an emergency closure will be compensated for all hours worked at their regular rate of pay and will be credited with emergency deferred time for hours worked during the emergency. Emergency deferred time accruals shall not exceed 40 hours in a workweek even if more hours are worked, for a maximum of two work weeks. Commissioners Court may subsequently order that all such emergency deferred time be paid out to employees at their regular rate of pay.

Full-time non-exempt employees will accrue compensatory time or be paid overtime in accordance with County policy and the Fair Labor Standards Act, for any hours worked in excess of forty (40) hours in a workweek. Commissioners Court may order that all compensatory time earned during an emergency be paid out to employees as overtime pay.

Exempt Employees: Any full-time employee who is classified as Exempt in accordance with the Fair Labor Standards Act and is authorized and required to work during an emergency will be compensated at their usual salary for the first 40 hours worked per work week. Exempt employees may also accrue emergency deferred time at the rate of hour for hour for time worked in reference to the emergency for any hours worked in excess of forty (40) hours per work week. Accrual of such hours is subject to compliance with the Time-Keeping Requirements specified below.

Executive managers and department heads may be required to work many hours during an emergency; however, the total amount of deferred time that will be permitted shall be capped at a total value of \$5,000 per executive manager or department head.

Accrued but unused deferred time balances earned in reference to an emergency for exempt employees are not compensable, unless Commissioners Court specifically approves payment for any or all accrued hours. Accrued deferred time balances will not be paid out if an exempt employee ends employment with the County or transfers to non-exempt status. The hourly value of the deferred time shall equal

the bi-weekly salary amount at the time the hours were earned, divided by 80 hours.

Time-Keeping Requirements: It is important that time worked in response to an emergency situation is accurately recorded in order for the County to assess the cost of the response and potentially seek reimbursement for such costs. Therefore, during an emergency, all County employees, **including exempt employees**, must clock in and out by using the time keeping system in accordance with procedures designated by the Payroll Office and County Auditor. It is also likely that employees will be required to complete other documentation regarding time worked and resources used during an emergency, and specific instructions will be provided as needed.

**Section 413.10
Shifts, On-Call, and
Shelter in Place
Requirements During
Declared Emergency
Conditions**

Shifts during the declared emergency conditions will be established according to the departmental needs, and may differ from the shifts employees typically work during non-emergency time.

Essential employees may be subject to being called to duty at any time during an emergency. The following provisions regarding on call time shall apply:

1. Employees who are permitted to leave the work place but are required to be available to be called to duty as needed are considered to be on call and will only be paid when and if they are called to duty.
2. Employees may be ordered to shelter at County designated facilities to ensure they are available when called to duty. Hours spent under these circumstances will be considered work hours.
3. If an employee is not ordered to shelter at County designated facilities, but chooses to do so due to their personal circumstances, the employee will not be paid for any hours in which they are completely relieved from duty.

**Section 413.11
Other Official
Closures**

The County Judge or Commissioners Court may order the official closure of some or all non-essential County offices in circumstances other than a disaster or emergency. This may include inclement weather, a National Day of Mourning, or other occasion when closure is deemed appropriate. Unless otherwise ordered by the County Judge or Commissioners Court, the provisions of this policy shall apply during an official closure.

**Section 413.12
Supervisor
Responsibilities**

Supervisors are responsible for the following:

1. Must assist in the consistent and fair application and implementation of this policy;
2. Must document and recommend disciplinary action resulting from

any violations of this policy;

3. Must ensure all exempt and non-exempt personnel keep accurate records of all hours worked by using the time-keeping system and any other required documentation in accordance with procedures as designated by County officials;

4. Must stay abreast of the situation by monitoring radio/television for instructions;

5. Must call the Emergency Operations Center or designated hotline for return to duty information; and

6. Must remain in contact with their employees regarding assignments and return to duty information.

**Section 413.13
Employee
Responsibilities**

Employees are responsible for the following:

1. Must know his or her responsibility under this policy. Compliance with the policy is mandatory;

2. Must remain in contact with their supervisor regarding assignments and return to duty information or call the designated hotline for return to duty information;

3. Must stay abreast of the situation by monitoring radio/television/internet for instructions;

4. Must track all time worked in accordance with procedures designated by the Payroll Office and County Auditor; and

5. Must comply with waiver request procedures as outlined in Section 413.17 of this policy.

**Section 413.14
Human Resources
Department
Responsibilities**

The Human Resources Department is responsible for the following information and activities related to this policy:

1. Must provide general information about this policy to all new employees during orientation;

2. Must maintain the signed originals of the Employee Acknowledgement Form and the Emergency Preparedness and Employee Classification Form in each employee's personnel file;

3. Must maintain the signed originals of the Emergency Operations Personnel Waiver Request Form.

4. Must maintain the list of Essential Employees.

**Section 413.15
Office of Emergency
Management
Responsibilities**

The Emergency Management Coordinator will provide assistance to departments in planning and coordinating the activities for the preparation and initial service phases to ensure consistency with the Emergency Operations Plan.

**Section 413.16
Waivers**

If an essential employee has a circumstance/situation that may affect his or her ability to work during a disaster declaration, they must file an "Emergency Operations Personnel Waiver Request Form" with their Department Head upon employment or within 30 days of the onset of the extenuating circumstances. Waiver requests will be reviewed and

approved by each Department Head, and sent to the Human Resources Department for retention in the employee's file.

Section 413.17
Violations

Any Violations of this policy may result in disciplinary action up to and including termination of employment.

Policy Approved and Adopted By
Fort Bend County Commissioners Court
Approved: February 6, 2007
Revised: September 28, 2010
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Revised: March 24, 2020